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Date: October 14, 2001

Initial: CMH/MSK

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Note: Transmittal Letter to Be Included with Reports.

Comments: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MEMORANDUM

DEC 04 1996

SUBJECT: Custom Blended Oils, Inc.
EPA ID No.: ILD 069 503 944

FROM: Allen Wojtas *AW 11/25/96*
Enforcement and Compliance Assurance Branch

Maria Gonzalez *MG 11/29/96*
Office of Regional Counsel

TO: Custom Blended Oils, Inc. File

This memorandum is being written to support Region 5's decision not to pursue a Civil Action in a U.S. District Court for Consent Agreement and Final Order (CAFO) violations committed by the subject facility.

Background

Custom Blended Oils, Inc. (CBO) is a small business which operates an Illinois facility that wholesales reprocessed waste oil. On October 10, 1991, CBO entered into a CAFO with Region 5 to resolve violations of the Resource Conservation and Recovery Act (RCRA).

This CAFO provided in part:

- D. Respondent shall, within 15 days of this Order becoming final, demonstrate in writing to U.S. EPA that it is a treatment, storage, or disposal facility, either of which, is:
- (i) Permitted under 35 Ill. Adm. Code Parts 702 and 703 (40 CFR Part 270);
 - (ii) In interim status under 35 Ill. Adm. Code Parts 703 and 725 (40 CFR Parts 265 and 270);
 - (iii) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under 40 CFR Part 271;
 - (iv) Permitted, licensed, or registered by a State to manage municipal or industrial solid waste; or



(v) A facility which:

- (A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
- (B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

E. If the requirements of paragraphs C and D, above, are not met within 45 days of this Order becoming final, and are not continually complied with in the future, Respondent shall cease storing the spent carburetor cleaner or any other hazardous waste on-site without a permit pursuant to 35 Ill. Adm. Code Parts 702 and 703(40 CFR Part 270). Pursuant to 35 Ill. Adm. Code 723.112(40 CFR 263.12) a transporter, as a transfer facility, may store manifested shipments of hazardous waste for a period of 10 days or less in containers meeting the requirements of 35 Ill. Adm. Code 722.130 (40 CFR 262.30). Before transporting any hazardous waste, Respondent shall submit a revised EPA form 8700-12 which will accurately reflect Respondent's hazardous waste activity consistent with 35 Ill. Adm. Code 723.111 (40 CFR 263.11). As a transporter, Respondent shall comply with all applicable requirements of 35 Ill. Adm. Code Part 723(40 CFR Part 263).

CBO did not make the demonstration required by Paragraph D by October 25, 1991 (15 days after the effective date of the CAFO), and did not cease storing the spent carburetor cleaner or other hazardous waste on-site without a permit. This was documented in an inspection conducted by U.S. EPA Region 5 on April 3, 1992. Therefore, CBO violated the CAFO.

On June 2, 1996, the State of Illinois filed an action against CBO in the Twelfth Judicial Circuit of Will County for failure to obtain a RCRA permit (Count V) and failure to submit RCRA permit applications within the requisite time frame (Count VI), failure to obtain solid waste management permits (Count XI) and unpermitted transfer station and storage operation (Count XII) as well as numerous other violations. See Complaint in Illinois v. Custom Blended Oils, Inc. (No. 96CH8277 in the Circuit Court of the Twelfth Judicial Circuit, Will County, Illinois, Chancery Division.)

Decision

Since the State of Illinois has filed an action which effectively includes the violations of the CAFO as well as numerous other

violations, it has been decided, after consultation with Joseph M. Boyle, Chief, Enforcement and Compliance Assurance Branch, to defer to the State Action and not pursue a separate action in a U.S. District Court to enforce the CAFO.

The Office of Regional Counsel discussed this matter with Benjamin Fisherow of the U.S. Department of Justice on November 21, 1996. He was in full agreement that it was not advisable to overfile this matter.

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The Office of Regional Counsel discussed this matter with Benjamin Fisherow of the U.S. Department of Justice on November 21, 1996. He was in full agreement that it was not advisable to overfile this matter.

ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
AUTHOR/ TYPIST	MINN/ CHIO SECTION CHIEF	MICHIGAN/ WISCONSIN SECTION CHIEF	ILLINOIS/ INDIANA SECTION CHIEF	ECAB BRANCH CHIEF	WPTD DIVISION DIRECTOR
<i>Attw</i> <i>11/25/96</i>					

OFFICE OF REGIONAL COUNSEL

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
TYPIST/ AUTHOR	AIR, WATER, TOXIC & GEN. LAW BRANCH CHIEF	MULTI- MEDIA BRANCH CHIEF	SOLID WASTE AND EMERGENCY RESP. BRNCH CHIEF	ORC DEPUTY REGIONAL COUNSEL	ORC REGIONAL COUNSEL

Custom Blended Oils, Inc. (CBO) is a small facility which entered into a Consent Agreement and Final Order (CAFO) with U.S. EPA on October 10, 1991 to resolve violations of Resource Conservation and Recovery Act (RCRA).

This CAFO provided in part:

D. Respondent shall, within 15 days of this Order becoming final, demonstrate in writing to U.S. EPA that it is a treatment, storage or disposal facility, either of which, is:

- (i) Permitted under 35 Ill. Adm. Code Parts 702 and 703 (40 CFR Part 270);
- (ii) In interim status under 35 Ill. Adm. Code Parts 703 and 725 (40 CFR Parts 265 and 270);
- (iii) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under 40 CFR Part 271;
- (iv) Permitted, licensed, or registered by a State to manage municipal or industrial solid waste; or
- (v) A facility which:
 - (A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
 - (B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

E. If the requirements of paragraphs C and D, above, are not met within 45 days of this Order becoming final, and are not continually complied with in the future, respondent shall cease storing the spent carburetor cleaner or any other hazardous waste on-site without a permit pursuant to 35 Ill. Adm. Code Parts 702 and 703 (40 CFR Part 270). Pursuant to 35 Ill. Adm. Code 723.112 (40 CFR 263.12) a transporter, as a transfer facility, may store manifested shipments of hazardous waste for a period of 10 days or less in containers meeting the requirements of 35 Ill. Adm. Code 722.130 (40 CFR Part 262.30). Before transporting any hazardous waste, Respondent shall submit a revised EPA form 8700-12 which will accurately reflect Respondent's hazardous waste activity consistent with 35 Ill. Adm. Code 723.111 (40 CFR 263.11). As a transporter, Respondent shall comply with all applicable requirements of 35 Ill. Adm. Code Part 723 (40 CFR Part 263)

CBO did not make the demonstrations required by Paragraph D by October 25, 1991 (15 days after the effective date of the CAFO), and did not cease storing spent carburetor cleaner or other hazardous waste on-site without a permit. It violated the CAFO.

However, the State of Illinois had indicated that it would and has since pursued CBO for these and other violations. On June 2, 1996, the State filed an action against CBO in the Twelfth Judicial Circuit of Will County for failure to obtain a RCRA permit (Count V) and failure to submit RCRA Permit Applications within the requisite time frame (Count VI), failure to obtain solid waste management permits (Count XI) and unpermitted transfer station and storage operation (Count XII) as well as numerous other violations. See Complaint in Illinois v. Custom Blended Oils, Inc. No. 96CH8277 in the Circuit Court for the Twelfth Judicial Circuit, Will County, Illinois, Chancery Division.

Since the State has filed an action which effectively includes the underlying violations of the CAFO as well as numerous other violations and Custom Blended Oils has limited financial resources, we recommend deferring to the State Action and not pursuing a separate action in a U.S. District Court to enforce the CAFO.

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. JAMES E. RYAN, Attorney
 General of the State of Illinois,
 and ex rel. JAMES W. GLASGOW,
 State's Attorney of Will County,

Plaintiff,
 vs.

CUSTOM BLENDED OILS, INC.,
 an Illinois corporation, and
 CUSTOM CLEANING SYSTEMS, INC.,
 an Illinois corporation,

Defendants.

No. 96CH8277

PLEASE SERVE:

Naomi H. Schuster
 11800 S. 75th Avenue
 Suite # 100
 Palos Heights, IL (60463)

SUMMONS

To each defendant:

You are summoned and required to file an answer in this case, or otherwise file your appearance in the Office of the Clerk of this Court for the Twelfth Judicial Circuit, Will County, 14 West Jefferson Street,

Joliet (64531)

(Address)

(City)

, Illinois, within 30 days after service of this summons,

not counting the day of service. IF YOU FAIL TO DO SO, A JUDGEMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

JUN 21 1996

(Seal of Court)

WITNESS _____, 19____

HELEN S. HARSHBARGER

(Clerk of the Circuit Court)

By: _____
 (Deputy)

(Plaintiff's Attorney or Plaintiff if he is not represented by an Attorney)

Name ILLINOIS ATTORNEY GENERAL JAMES E. RYAN
 Attorney for Plaintiff
 Address 100 West Randolph - 11th Floor
 City Chicago, IL (60601)

OF COUNSEL:

Genevieve Watts
 Assistant Attorney General
 Environmental Bureau

IN THE CIRCUIT COURT FOR THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS
CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. JAMES E. RYAN,)
Attorney General of the State of)
Illinois, and ex rel. JAMES W.)
GLASGOW, State's Attorney of)
Will County, Illinois,)

Plaintiff,)

-vs-)

CUSTOM BLENDED OILS, INC.,)
an Illinois corporation, and)
CUSTOM CLEANING SYSTEMS, INC.,)
an Illinois corporation,)

Defendants.)

No. 96 CH 8277, 1

COMPLAINT FOR INJUNCTION AND OTHER RELIEF

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, ex rel. JAMES E. RYAN, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency ("Agency"), and ex rel. JAMES W. GLASGOW, State's Attorney of Will County complain of Defendants, CUSTOM BLENDED OILS, INC. ("OILS") and CUSTOM CLEANING SYSTEMS, INC. ("SYSTEMS") as follows:

ALLEGATIONS AGAINST CUSTOM BLENDED OILS, INC.

COUNT I

PERMIT CONDITION VIOLATIONS

1. This complaint is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, ex rel. JAMES E. RYAN, Attorney General of the State of Illinois, on his own motion, and by ex rel. JAMES W. GLASGOW, State's Attorney of Will County, Illinois, on his own

motion, and at the request of the Agency ("IEPA" or "Agency") pursuant to Sections 42(d) and (e) of the Act, Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(d) and (e) (1994).

2. The Agency is an administrative agency of the State of Illinois, created pursuant to the Act, 415 ILCS 5/4 (1994), and charged, *inter alia*, with the duty of enforcing the Act.

3. Defendants, OILS and SYSTEMS are Illinois corporations. At all times relevant to this Complaint, OILS and SYSTEMS have owned and operated a facility located on five acres of the North 329.0 feet of the South 814.37 feet of that part of the Southwest 1/4 of Section 25, lying westerly of the westerly right of way line of the Illinois Central Gulf Railroad Company, in Township 33 North and in Range 12 East of the Third principal meridian, in Will County, also known as R.R.1, Rathje Road, Peotone, Will County, Illinois, (the "Site").

4. OILS, formerly known as E&L Tank Cleaners, formally changed its name on its Development and Operating Permits on April 20, 1988. OILS is a used oil re-processing facility. The facility accepts waste oil from service stations, auto dealers and oil change stations via multi-stop permits. The waste oil is processed on site to remove any bottom sediment and water. The processed oil is sold as fuel directly to industrial burners.

5. SYSTEMS is an industrial parts washer service. The facility provides clean solvent and parts washer units to industrial customers. Spent solvent is subsequently picked up from those customers and replaced with new solvent.

6. Both OILS and SYSTEMS conduct their operations at the Site. SYSTEMS merged with OILS on August 19, 1994.

7. Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(1994), provides, in pertinent part, as follows:

No person shall:

f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

2. In violation of any regulations or standards adopted by the Board under this Act;

8. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1)(1994), provide as follows:

No person shall:

d. Conduct any waste-storage, waste-treatment, or waste-disposal operation:

1. Without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; provided, however, that, except for municipal solid waste landfill units that receive waste on or after October 9, 1993, no permit shall be required for (i) any person conducting a waste-storage, waste-treatment, or waste-disposal operation for wastes generated by such person's own activities which are stored, treated, or disposed within the site where such wastes are generated, or (ii) for a corporation organized under the General Not For Profit Corporation Act of 1986, as now or hereafter amended, or a predecessor Act, constructing a land form in conformance with local zoning provisions, within a municipality having a population of more than 1,000,000 inhabitants, with clean construction or demolition debris generated within the municipality, provided that the corporation has contracts for economic development planning with the municipality; or

* * *

9. Special Condition #3 to OILS' Development Permit No. 1981-28-DE, attached hereto and incorporated herein as Exhibit A, requires as follows:

Special wastes received at the site for recovery shall be transported to the facility utilizing the Agency's supplemental permit system and manifest system.

10. From at least May 14, 1990, and continuing until sometime before May 18, 1993, OILS violated Condition #3 of its Development Permit by accepting used oil for recovery without manifests or a supplemental permit since the company had no current, valid authorization numbers to accept special waste.

11. Special condition #10 to OILS' Development Permit attached hereto as Exhibit A requires as follows:

A maximum of 10,000 gallons of waste oil may be accepted for recovery per day.

12. From at least May 14, 1990 and continuing until November 4, 1993 when the Agency removed the waste throughput restrictions, OILS violated Condition #10 of its Development Permit by accepting as much as 40,000 gallons of waste oil for recovery in a day.

13. Special Condition #6 of OILS Supplemental Permit, attached hereto as Exhibit B, requires as follows:

Samples of incoming loads shall be retained at the facility for a period of three months from the date of sampling. Results of the sample analysis for each load shall be retained at the facility for a minimum of three years.

14. From at least May 14, 1990 and continuing until sometime before May 18, 1993, OILS violated Condition #6 of its Supplemental Permit in that results of sample analyses of incoming loads were not

available and it was unclear whether samples were being maintained for a minimum of three months.

15. Special Condition #12 of its Supplemental Permit, attached hereto as Exhibit B, requires as follows:

This facility shall be developed in accordance with this Agency's Division of Air Pollution Control Permit Number 83050029, as well as other terms and conditions of this permit.

16. From at least March 25, 1989 until October 1, 1992, OILS violated Condition #12 of its Supplemental Permit in that the facility was required to be developed in accordance with the Agency's Division of Air Pollution Control Permit #83050029, which expired on March 25, 1989, and was not renewed until October 1, 1992.

17. Special Condition #5 of OILS' Operating Permit #1981-28-OP, attached hereto and incorporated herein as Exhibit C, requires as follows:

The owner and/or operator must analyze and maintain copies of the analyses of all specification used oil fuels for three years. An operating log must also be maintained which will record the following:

- a. the name and address of the facility receiving the shipment;
- b. the quantity of used oil fuel delivered;
- c. the date of shipment of delivery, and
- d. a cross reference to the record of used oil analysis or other information used to make the determination that the oil meets the specifications.

Copies of the above described operating record must be kept at the facility for three years.

18. From at least May 14, 1990 until sometime before May 18, 1993, OILS violated Condition #5 of its Operating Permit because the operating log was not complete.

19. Special Condition #3 of OILS' 1988 Revised Operating Permit #1981-28-OP, attached hereto and incorporated herein as Exhibit D, provides as follows:

No listed hazardous wastes shall be accepted at this facility. Only non-hazardous waste oils are permitted for acceptance at this facility for storage, processing and blending into specification used oil fuels, as defined in 35 Ill. Adm. Code Section 726.140(e). The facility must require each generator, shipping waste to the site, to complete the generator certification in Attachment B prior to receiving any waste oil. The certification must become a part of the operating record and should be recertified annually.

20. From at least May 14, 1990 and continuing until sometime prior to April 16, 1996, OILS violated Condition #3 of its 1988 Revised Operating Permit in that the required generator certifications were not maintained in the operating record at the May 14, 1990 or the May 18, 1993 inspections and there was no indication that recertification was occurring annually.

21. Special Condition #8 of OILS' 1988 Revised Operating Permit, attached hereto as Exhibit D, requires as follows:

Oils, oily wastewaters or other wastes contaminated with PCBs greater than 25 ppm or any dioxins are not allowed under this permit.

22. From at least May 18, 1993, until the issuance of OILS supplemental permit number 1993-538-SP on February 23, 1994, OILS has failed to screen for PCB contaminated wastes in that the analysis of incoming waste oil consists only of testing for flash point and screening for halogens.

23. Special Condition #11 of OILS' 1988 Revised Operating Permit, attached hereto as Exhibit D, requires as follows:

The permittee shall analyze each shipment of blended used oil fuel which he/she claims meets the used oil specifications identified in 35 Ill. Adm. Code 726.140(e) prior to shipping it off site. The permittee shall maintain copies of these analyses at the facility for at least three years.

24. From at least May 14, 1990, and continuing until sometime prior to May 18, 1993, OILS violated Condition #11 of its 1988 Revised Operating Permit in that copies of analyses of specification used oil fuel were not available for inspection.

25. Special Condition #13 of OILS' 1988 Revised Operating Permit, attached hereto as Exhibit D, requires as follows:

A daily operating record shall be maintained at the site. The operating record must be able to track waste streams as they pass through the facility. At a minimum, it must have the following entries for each shipment of waste received:

- A unique identification number for each shipment received.
- The authorization number for the waste.
- The generator's name.
- The date received.
- The amount received (gallons).
- Cross references to any incoming and outgoing laboratory analyses.
- Indication of, if the shipment was rejected.

The following types of facilities must also record these additional items in their operating records:

1. STORAGE FACILITY

- a. The date a waste is shipped offsite.
- b. The amount (gallons) shipped offsite.
- c. Name, address, ID number of receiving site.
- d. Authorization number (if the receiving site is in Illinois).
- e. Cross reference to the unique incoming identification number.
- f. Monthly totals which show the amount of waste received and the amount of waste shipped offsite.

2. FUEL BLENDING FACILITY

- a. All the items for a storage facility.
- b. The amount and date of each shipment of waste oil, processed oil, or used oil fuel offsite.
- c. Monthly totals for the amounts (gallons) of each type of fuel shipped offsite.
- d. Cross reference to the laboratory analyses for the fuels.

26. From at least May 14, 1990 and continuing until the issuance of OILS' 1995 Revised Operating Permit, OILS violated Condition #13 of its 1988 Revised Operating Permit in that the operating record did not track waste streams as they passed through the facility.

27. Special Condition #6 of OILS' 1995 Revised Operating Permit #1981-28-OP, attached hereto and incorporated herein as Exhibit E, requires as follows:

The Permittee shall complete a Special Waste Preacceptance form and obtain a preacceptance analysis from each generator. In addition, the annual generator certification form, which certifies the waste has not changed since the last analysis must be completed and included in the operating record . . .

28. From at least April 16, 1996 and continuing until the filing of this Complaint, OILS has not completed a Special Waste Preacceptance form or obtained a preacceptance analysis from each generator.

29. Special Condition #11 of OILS' 1995 Revised Operating Permit, attached hereto as Exhibit E, requires as follows:

The following items shall be documented in the facility's operating record for each load of oil received:

- a. Date that the load is received.
- b. Manifest number associated with the waste load.
- c. Waste name.
- d. Generator name, location and IEPA identification number.
- e. Volume of waste received.
- f. The results of all analyses conducted on the load of waste.
- g. Documentation as to whether the waste was received in a tank truck or in containers.
- h. Indication as to whether the load was accepted or rejected.

30. From at least April 16, 1996 and continuing until the filing of this Complaint, OILS violated condition #11 of its 1995 Revised Operating Permit in that the operating record for incoming used oil was not completed from October 1995 through December 1995.

31. Special Condition #12 of OILS' 1995 Revised Operating Permit, attached hereto as Exhibit E, requires as follows:

The following information shall be documented in the facility's operating record for each load of used/waste oil, used oil fuel or used/waste oil derived fuel:

- a. Date that the load is shipped off site.
- b. Volume of shipment.
- c. Name, location and IEPA identification number or receiving facility.
- d. Number of the manifest under which the waste is to be shipped.
- e. Cross reference to the incoming shipment of the used/waste oil.
- f. Cross reference to any and all laboratory analyses conducted on the shipment.

32. From at least April 16, 1996 and continuing until the filing of this Complaint, OILS' operating record for the facility did not contain: the IEPA identification number of receiving facilities located in Illinois; the manifest numbers for shipments of used oil fuel to Enviropur; a cross reference to the incoming shipment of used/waste oil; or a cross reference to any laboratory analyses conducted on the shipment.

33. Special Condition of #14 of OILS' 1995 Revised Operating Permit, and the pertinent attachments cited therein, attached hereto as Exhibit E, require as follows:

Existing monitor wells G-101 (Well #1), G-102 (Well #2), G-103 (Well #3) and G-104 (Well #4) shall be sampled and analyzed per Attachment A and B.

Attachment A(10): A padlocked protective cover must be installed over the portion of the well casing extending above the ground surface to protect against damage.

Attachment A(11): Wells should be easily visible and identified with the Agency's monitoring point designation.

34. On at least April 16, 1996, groundwater monitoring wells G-101 and G-102 were not locked and none of the groundwater

monitoring wells was identified with the Agency's monitoring point designation.

35. Special Condition #21 of OILS' 1995 Revised Operating Permit, attached hereto as Exhibit E, requires as follows:

The name and address of any new marketer and/or burner of fuels blended at this facility (including specification oils, off-specification oils and hazardous waste fuels) shall be submitted to the Agency prior to shipping the fuel off site to the new marketer/burner, along with documentation that each marketer and/or burner of hazardous waste fuels or off-specification used oil fuels has so notified U.S.EPA and has received a U.S.EPA Identification Number.

36. From at least April 16, 1996 and continuing until the filing of this Complaint, OILS did not have documentation that Enviropur, which receives off-specification used oil fuel from OILS, had notified U.S.EPA of its used oil handling activities.

37. Special Condition #32 of OILS' 1995 Revised Operating Permit, attached hereto as Exhibit E, requires as follows:

All tanks, lines, pumps and appurtenances must have an ongoing internal corrosion protection system (e.g., coating or cathodic protection).

38. From at least April 16, 1996 and continuing until the filing of this Complaint, OILS has not provided the required internal corrosion protection system.

39. Special Condition #33 of OILS' 1995 Revised Operating Permit, attached hereto as Exhibit E, requires as follows:

All tanks, lines, pumps and appurtenances must have an ongoing external corrosion protection system (e.g., coating or cathodic protection).

40. From at least April 16, 1996 and continuing until the filing of this Complaint, OILS has not provided the required external corrosion protection system.

41. Special Condition #34 of OILS' 1995 Revised Operating Permit, attached hereto as Exhibit E, requires as follows:

The Permittee shall obtain and keep a copy of the written assessment of each existing tank system's integrity on file at the facility. The assessment shall be certified by an independent, qualified Illinois registered professional engineer.

42. On at least April 16, 1996, OILS did not have a copy of the written integrity assessment for each existing tank on file.

43. Special Condition #35 of OILS' 1995 Revised Operating Permit, attached hereto as Exhibit E, requires as follows:

Annual thickness testing and a through initial internal tank inspection in accordance with API Publication, Guide for Inspection of Equipment; Chapter VIII, "Atmospheric and low-pressure storage tanks" must be conducted on each tank prior to December 31, 1994. An independent registered professional engineer must certify the results of the internal inspection... An internal inspection must be conducted annually in accordance with condition number 36 when the life expectancy of a tank is calculated to be less than five years or annual thickness testing indicates a corrosion rate greater than 5 mil/yr.

44. From at least April 16, 1996, and continuing until the filing of this Complaint, OILS has not conducted annual thickness testing or an initial internal tank inspection for each tank.

45. Special Condition #36 of OILS' 1995 Revised Operating Permit, attached hereto as Exhibit E, requires as follows:

The Permittee shall inspect all tanks every five years to assess their condition. This inspection shall include the following procedures:

- a. An interior visual inspection and thickness testing shall be included in the inspection. During this inspection, the interior surface shall be inspected for indentations, cracks, corrosion, weld breaks, aging and thin areas. Corrective action, as specified by the manufacturer of these tanks or an independent Illinois registered professional engineer, shall be taken if the internal inspection

indicates that the interior surface of a tank system has been detrimentally affected by the wastes which have been stored in it;...

- c. A leak test or other integrity assessment as approved by the Agency shall be conducted annually on all ancillary equipment which cannot be inspected daily.
- d. The inspection of each tank system shall be certified by a qualified, independent Illinois registered professional engineer...
- f. The inspection procedures and results of the inspection shall be submitted to the Agency's BOL within sixty (60) days of the inspection date and shall also be included in the operating record of this facility.
- g. Appropriate action shall be taken if excess corrosion or deterioration of a tank is observed.
- h. All permitted waste storage and waste treatment tanks must be inspected in accordance with the following compliance schedule:
 - 1. All existing tanks must be inspected by December 31, 1994 and every five years thereafter.

46. From at least April 16, 1996 and continuing until the filing of this Complaint, OILS has not conducted the required visual inspection and thickness testing for each tank system. In addition, a leak test has not been conducted on all ancillary equipment which cannot be inspected daily.

47. Defendant, OILS, by its conduct described herein, violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1)(1994).

46. Plaintiff has no adequate remedy at law as money damages will not cure the environmental harm alleged herein. Furthermore, Plaintiff will suffer irreparable injury through harm to the environment and its citizens until such time as this Court grants

equitable relief in the form of a preliminary and, after a trial, permanent injunction.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Court enter an Order against Defendant, CUSTOM BLENDED OILS:

1. Finding that Defendant has violated Sections 21(d)(1) and of the Act;
2. Ordering Defendant to cease and desist from any further violations of Section 21(d)(1) of the Act;
3. Assessing against Defendant a civil penalty of \$50,000.00 for each violation and \$10,000.00 for each day during which the violation continued;
4. Ordering Defendant to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
5. Granting such other relief as this court deems appropriate and just.

COUNT II

ACCEPTING SPECIAL WASTE WITHOUT SUPPLEMENTAL PERMITS

1-7. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 7 of Count I as paragraphs 1 through 7 of this Count II.

8. Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2)(1994), provides, in pertinent part, as follows:

No person shall:

- d. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

2. In violation of any regulations or standards adopted by the Board under this Act; or

9. Section 809.302(b) of the Board Waste Disposal Regulations, entitled, Requirements for Acceptance of Special Waste from Haulers, 35 Ill. Adm. Code 809.302(b), provides as follows:

b) No person shall deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board Regulations.

10. Section 810.103 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 810.103, defines Special Waste as follows:

"SPECIAL WASTE" means any industrial process waste, pollution control waste or hazardous waste, except as determined pursuant to 22.9 of the Act and 35 Ill. Adm. Code 808.

11. From at least May 14, 1990, and continuing until sometime before May 18, 1993, OILS accepted special waste in the form of waste oil, without the necessary supplemental permits.

12. OILS was issued Development Permit No. 1981-28-DE on June 10, 1981 and Supplemental Permit No. 1984-29-SP on April 20, 1984. Neither permit authorized OILS to accept special waste at their facility. Said permits are attached hereto and incorporated herein as Exhibits A and B, respectively.

13. Defendant, OILS, by its conduct described herein, violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2)(1994), and 35 Ill. Adm. Code 809.302(b).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Court enter an Order against Defendant, CUSTOM BLENDED OILS:

1. Finding that Defendant has violated Section 21(d)(2) of the Act and 35 Ill. Adm. Code 809.302(b);

2. Ordering Defendant to cease and desist from any further violations of Section 21(d)(2) of the Act and 35 Ill. Adm. Code 809.302(b);

3. Assessing against Defendant a civil penalty of \$50,000.00 for each violation and \$10,000.00 for each day during which the violation continued;

4. Ordering Defendant to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

5. Granting such other relief as this Court deems appropriate and just.

COUNT III

FAILURE TO CONDUCT HAZARDOUS WASTE DETERMINATION

1-7. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 7 of Count I as paragraphs 1 through 7 of this Count III.

8. Section 722.111 of the Illinois Pollution Control Board ("Board") Waste Disposal Regulations, entitled, Hazardous Waste Determination, 35 Ill. Adm. Code 722.111, provides as follows:

A person who generates a solid waste, as defined in 35 Ill. Adm. Code Section 721.102, shall determine if that waste is hazardous waste using the following method:

- a) The person should first determine if the waste is excluded from regulation under 35 Ill. Adm. Code Section 721.104.
- b) The person should then determine if the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D.

- c) For purposes of compliance with 35 Ill. Adm. Code 728, or if the waste is not listed as hazardous waste in 35 Ill. Adm. Code 721.Subpart D, the generator should determine whether the waste is identified in 35 Ill. Adm. Code 721.Subpart C by either:
 - 1) Testing the waste according to the methods set forth in 35 Ill. Adm. Code 721.Subpart C, or according to an equivalent method approved by the Board under 35 Ill. Adm. Code 720.120; or
 - 2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
- d) If the generator determines the waste is hazardous, the generator shall refer to 35 Ill. Adm. Code 724, 725 and 728 for possible exclusions or restrictions pertaining to the management of the specific waste.

9. From at least May 14, 1990, and continuing until sometime before May 18, 1993, OILS generated two waste streams without conducting the required waste determination. One of the waste streams was oily wastewater which was separated from used oil in the treatment process. Approximately 25,000 gallons of oily wastewater are generated each month. The other waste stream is tank bottoms which is bottom sediment removed from tanks during cleaning.

10. Defendant, OILS, by its conduct described herein, violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(1994), and 35 Ill. Adm. Code 722.111.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Court enter an Order against Defendant, CUSTOM BLENDED OILS:

1. Finding that Defendant has violated Section 21(f)(2) of the Act and 35 Ill. Adm. Code 722.111;

2. Ordering Defendant to cease and desist from any further violations of Section 21(f)(2) of the Act and 35 Ill. Adm. Code 722.111;

3. Assessing against Defendant a civil penalty of \$25,000.00 for each day during which the violation continued;

4. Ordering Defendant to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

5. Granting such other relief as this Court deems appropriate and just.

COUNT IV

VIOLATION OF STANDARDS FOR THE MANAGEMENT OF USED OIL

1-7. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 7 of Count I as paragraphs 1 through 7 of this Count IV.

8. Section 739.152(b) of the Board Waste Disposal Regulations, entitled, General Facility Standards, 35 Ill. Adm. Code 739.152(b), provides, in pertinent part, as follows:

- b) Contingency plan and emergency procedures. Owners and operators of used oil processors and re-refiners facilities must comply with the following requirements:
 - 1) Purpose and implementation of contingency plan.
 - A) Each owner or operator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.
 - B) The provisions of the plan must be carried out immediately whenever there is a fire,

explosion, or release or used oil which could threaten human health or the environment.

2) Content of contingency plan.

* * *

- C) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to subsection (a)(6) of this Section.

* * *

- E) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external, and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

- F) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).

3) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan must be:

- A) Maintained at the facility; and
- B) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

* * *

9. From at least April 16, 1996 and continuing until the filing of this Complaint, OILS contingency plan lacks a description of the arrangements made with local emergency authorities; a list of all emergency equipment at the facility, including its location; and an evacuation plan. In addition, a copy of the contingency plan has not been submitted to the local emergency authorities.

10. Section 739.154(d) of the Board Waste Disposal Regulations, entitled, Used Oil Management, 35 Ill. Adm. Code 739.154(d), provides as follows:

- d) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store or process used oil at processing and refining facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms, or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tanks meet the ground; or
 - C) an equivalent secondary containment system.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

11. From at least April 16, 1996 and continuing until the filing of this Complaint, the floor of the secondary containment systems for the tanks consists of gravel over clay which is not impervious to used oil.

12. Section 739.154(f) of the Board Waste Disposal Regulations, entitled, Used Oil Management, 35 Ill. Adm. Code 739.154(f), provides as follows:

f) Labels.

- 1) Containers and aboveground tanks used to store used oil at processing facilities must be labeled or marked clearly with the words "Used Oil."
- 2) Fill pipes used to transfer used oil into underground storage tanks at processing facilities must be labeled or marked clearly with the words "Used Oil."

13. From at least April 16, 1996 and continuing until the filing of this Complaint, the aboveground tanks and fill pipes used for underground tanks have not been labeled with the words "Used Oil."

14. Section 739.155 of the Board Waste Disposal Regulations, entitled, Analysis Plan, 35 Ill. Adm. Code 739.155, provides, in pertinent part, as follows:

Owners or operators of used oil processing and re-refining facilities must develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of Section 739.153, and, if applicable, Section 739.172. The owner or operator must keep the plan at the facility.

15. As of the April 16, 1996 inspection, OILS written waste analysis plan was not available for inspection.

16. Section 739.156(c) of the Board Waste Disposal Regulations, entitled Tracking, 35 Ill. Adm. Code 739.156(c), provides as follows:

- c) Record retention. The records described in subsections (a) and (b) above must be maintained for at least three years.

17. From at least April 16, 1996 and continuing until the filing of this Complaint, OILS operating record for incoming used oil was not completed and maintained from October 1995 through December 1995.

18. Section 739.174(b) of the Board Waste Disposal Regulations, entitled, Tracking, 35 Ill. Adm. Code 739.174(b), provides as follows:

- b) On-specification used oil delivery. A generator, transporter, processor, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under Section 739.111 must keep a record of each shipment of used oil to an on-specification used oil burner. Records for each shipment must include the following information:
 - 1) The name and address of the facility receiving the shipment;
 - 2) The quantity of used oil fuel delivered;
 - 3) The date of shipment or delivery; and
 - 4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under Section 739.172(a).

19. From at least April 16, 1996 and continuing until the filing of this Complaint, OILS' operating record for outgoing shipments of oil fuel does not include a cross reference to used oil analyses verifying qualification as specification oil fuel.

20. Defendant, OILS, by its conduct described herein, violated Section 21(d)(2) of the Act, and 35 Ill. Adm. Code 739.152(b), 739.154(d), 739.154(f), 739.155, 739.156(c) and 739.174(b).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Court enter an Order against Defendant, CUSTOM BLENDED OILS:

1. Finding that Defendant has violated Section 21(d)(2) of the Act and 35 Ill. Adm. Code 739.152(b), 739.154(d), 739.154(f), 739.155, 739.156(c), and 739.174(b);

2. Ordering Defendant to cease and desist from any further violations of Section 21(d)(2) of the Act and 35 Ill. Adm. Code 739.152(b), 739.154(d), 739.154(f), 739.155, 739.156(c), and 739.174(b);

3. Assessing against Defendant a civil penalty of \$50,000.00 for each violation and \$10,000.00 for each day during which the violation continued;

4. Ordering Defendant to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

5. Granting such other relief as this Court deems appropriate and just.

ALLEGATIONS AGAINST CUSTOM CLEANING SYSTEMS, INC.

COUNT V

FAILURE TO OBTAIN RCRA PERMIT

1-7. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 7 of Count I as paragraphs 1 through 7 of this Count V.

8. Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1994), provides in pertinent part, as follows:

No person shall:

- f. Conduct any hazardous waste-storage, hazardous waste-treatment of hazardous waste-disposal operation:
 - 1. Without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder;

9. Section 703.121(a) of the Board Waste Disposal Regulations, entitled, RCRA Permits, 35 Ill. Adm. Code 703.121(a), provides as follows:

- a) No person shall conduct any hazardous waste storage, hazardous waste treatment or hazardous waste disposal operation;
 - 1) Without a RCRA permit for the HWM (hazardous waste management) facility; or
 - 2) In violation of any condition imposed by a RCRA permit;

10. Section 721.121(a)(1) and (b) of the Board Waste Disposal Regulations, entitled, Characteristic of Ignitability, 35 Ill. Adm. Code 721.121(a)(1) and (b), provides as follows:

- a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:
 - 1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60°C (140°F), as determined by Pensky-Martens Closed Cup Tester, using the test method specified in ASTM D-93, incorporated by reference in 35 Ill. Adm. Code 720.111, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3228, incorporated by reference in 35 Ill. Adm. Code 720.111, or as determined by an equivalent test method approved by the Board (35 Ill. Adm. Code 720.120).

- b) A solid waste that exhibits the characteristic of ignitability has the EPA hazardous waste number of D001.

11. Section 721.131(a) of the Board Waste Disposal Regulations, entitled, Hazardous Wastes From Nonspecific Sources, 35 Ill. Adm. Code 721.131(a), provides in pertinent part, as follows:

<u>EPA Hazardous</u> <u>Waste No.</u>	<u>Industry and Hazardous Waste</u>	<u>Hazard Code</u>
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Generic:

F002.....	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane; and 1,1,2-trichloroethane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
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12. Since at least May 14, 1990, and continuing until sometime before May 18, 1993, SYSTEMS had been conducting a hazardous waste storage operation by maintaining quantities of spent mineral spirits (D001) and spent carburetor cleaner (F002) at its facility without a RCRA permit.

13. Defendant, SYSTEMS, by its conduct described herein, violated Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1)(1994), and 35 Ill. Adm. Code 703.121(a).

14. Plaintiff has no adequate remedy at law as money damages will not cure the environmental harm alleged herein. Furthermore,

Plaintiff will suffer irreparable injury through harm to the environment and its citizens until such time as this Court grants equitable relief in the form of a preliminary and, after a trial, permanent injunction.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Court enter an Order against Defendant, CUSTOM CLEANING SYSTEMS:

1. Finding that Defendant has violated Section 21(f)(1) of the Act and 35 Ill. Adm. Code 703.121(a);

2. Ordering Defendant to cease and desist from many further violations of Section 21(f)(1) of the Act and 35 Ill. Adm. Code 703.121(a);

3. Assessing against Defendant a civil penalty of \$25,000.00 for each day during which the violations continue;

4. Ordering Defendant to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

5. Granting such other relief as this Court deems appropriate and just.

COUNT VI

FAILURE TO SUBMIT RCRA PERMIT

APPLICATIONS WITHIN THE REQUISITE TIME FRAME

1-7. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 7 of Count I as paragraphs 1 through 7 of this Count VI.

8. Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1994), provide in pertinent part, as follows:

No person shall:

- f. Conduct any hazardous waste-storage, hazardous waste-treatment of hazardous waste-disposal operation:

* * *

- 2. In violation of any regulations or standards adopted by the Board under this Act;

9. Section 703.150(a) of the Board Waste Disposal Regulations, entitled, Application by Existing HWM Facilities and Interim Status Qualifications, 35 Ill. Adm. Code 703.150(a), provides as follows:

- a) The owner or operator of an existing HWM facility or of an HWM facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirements to have a RCRA permit must submit Part A of the permit application to the Agency no later than the following times, whichever comes first:
 - 1) Six months after the date of publication of regulations which require the owner or operator to comply with standards in 35 Ill. Adm. Code 725 or 726; or
 - 2) Thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725 or 726;
 - 3) For generators which generate greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and treat, store or dispose of these wastes on-site, by March 24, 1987.

10. Section 702.110 of the Board Waste Disposal Regulations, entitled, Definitions, 35 Ill. Adm. Code 702.110, provides in pertinent part, as follows:

"Hazardous waste management facility" ("HWM facility") means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of "hazardous waste". A facility may consist of several "treatment", "storage" or "disposal" operational units (for example, one or more landfills, surface impoundments, or combination of them).

11. Since at least May 14, 1990 and continuing to the filing of this complaint, SYSTEMS was the owner and operator of an HWM facility.

12. Agency inspectors documented RCRA storage at the facility in October 1989. SYSTEMS failed to submit a RCRA part A permit application on or before November 30, 1989.

13. Defendant, SYSTEMS, by its conduct described herein, violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1994), and 35 Ill. Adm. Code 703.150(a).

14. Plaintiff has no adequate remedy at law as money damages will not cure the environmental harm alleged herein. Furthermore, Plaintiff will suffer irreparable injury through harm to the environment and its citizens until such time as this Court grants equitable relief in the form of a preliminary and, after a trial, permanent injunction.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Court enter an Order against Defendant, CUSTOM CLEANING SYSTEMS:

1. Finding that Defendant has violated Section 21(f)(2) of the Act and 35 Ill. Adm. Code 703.150(a);

2. Ordering Defendant to cease and desist from any further violations of Section 21(f)(2) of the Act and 35 Ill. Adm. Code 703.150(a);

3. Assessing against Defendant a civil penalty of \$25,000.00 for each day during which the violations continue;

4. Ordering Defendant to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

5. Granting such other relief as this Court deems appropriate and just.

COUNT VII

FAILURE TO MAKE CLOSURE PLAN AVAILABLE

1-7. Plaintiff reallèges and incorporates by reference herein, paragraphs 1 through 7 of Count I as paragraphs 1 through 7 of this Count VII.

8. Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(1994), provides in pertinent part as follows:

No person shall:

f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

2. In violation of any regulations or standards adopted by the Board under this Act;

9. Section 722.134(f) of the Board Waste Disposal Regulations, entitled, Accumulation Time, 35 Ill. Adm. Code 722.134(f), provides as follows:

f) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit

requirements of 35 Ill. Adm. Code 703 unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Section 37 of the Environmental Protection Act.

10. Section 725.212 of the Board Waste Disposal Regulations, entitled, Closure Plan; Amendment of Plan, 35 Ill. Adm. Code 725.212, provides in pertinent part, as follows:

- a) Written Plan. Within six months after the effective date of the rule that first subjects a facility to provisions of this Section, the owner or operator of a hazardous waste management facility shall have a written closure plan. Until final closure is completed and certified in accordance with Section 725.215, a copy of the most current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections on the day of inspection to any officer, employee or representative of the Agency.

11. Section 702.110 of the Board Waste Disposal Regulations, entitled, Definitions, 35 Ill. Adm. Code 702.110, provides, in pertinent part, as follows:

"Hazardous waste management facility" ("HWM facility") means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of "hazardous waste". A facility may consist of several "treatment", "storage", or "disposal" operational units (for example, one or more landfills, surface impoundments, or combinations of them).

12. Since at least May 14, 1990 and continuing to the filing of this complaint, SYSTEMS was the owner and operator of an HWM facility.

13. Agency inspectors documented 2 RCRA container storage units at the Site in October, 1989. During the May 14, 1990, May 18, 1993 and April 16, 1996 inspections SYSTEMS failed to make a Closure Plan available to the Agency when requested during a site inspection.

14. Defendant, SYSTEMS, by its conduct described herein, violated Section 21(f)(2) of the Act, 5/21(f)(2) (1994), and 35 Ill. Adm. Code 725.212.

15. Plaintiff has no adequate remedy at law as money damages will not cure the environmental harm alleged herein. Furthermore, Plaintiff will suffer irreparable injury through harm to the environment and its citizens until such time as this Court grants equitable relief in the form of a preliminary and, after a trial, permanent injunction.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Court enter an Order against Defendant, CUSTOM CLEANING SYSTEMS:

1. Finding that Defendant has violated Section 21(f)(2) of the Act and 35 Ill. Adm. Code 725.212(a);

2. Ordering Defendant to cease and desist from any further violations of Section 21(f)(2) of the Act and 35 Ill. Adm. Code 725.212(a);

3. Assessing against Defendant a civil penalty of \$25,000.00 for each day during which the violations continue;

4. Ordering Defendant to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

5. Granting such other relief as this Court deems appropriate and just.

COUNT VIII

FAILURE TO MAKE CLOSURE COST ESTIMATE AVAILABLE

1-7. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 7 of Count I as paragraphs 1 through 7 of this Count VIII.

8. Section 725.210(a) of the Board Waste Disposal Regulations, entitled, Applicability, 35 Ill. Adm. Code 725.210(a), provides as follows:

Except as Section 725.101 provides otherwise:

- a) Sections 725.211 through 725.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities;

9. Section 725.242(a) of the Board Waste Disposal Regulations, entitled, Cost Estimate for Closure, 35 Ill. Adm. Code 725.242(a), provides in pertinent part, as follows:

- a) The owner or operator shall have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 725.211 through 725.215 and applicable closure requirements of Sections 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481 and 725.504.
 - 1) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (See Section 725.21(b)); and
 - 2) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of "parent corporation" in Section

725.241(d)). The owner or operator may use costs for on-site disposal if the owner or operator demonstrates that on-site capacity will exist at all times over the life of the facility.

- 3) The closure cost estimate must not incorporate any salvage value that may be realized by the sale of hazardous wastes, or non-hazardous wastes if applicable under Section 725.213(d), facility structures or equipment, land or other facility assets at the time of partial or final closure.
- 4) The owner or operator shall not incorporate a zero cost for hazardous waste, or non-hazardous wastes if applicable under Section 725.213(d), which may have economic value.

10. Section 702.110 of the Board Waste Disposal Regulations entitled, Definitions, 35 Ill. Adm. code 702.110, provides in pertinent part as follows:

"Hazardous waste management facility" ("HWM facility") means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of "hazardous waste". A facility may consist of several "treatment", "storage", or "disposal" operational units (for example, one or more landfills, surface impoundments, or combinations of them).

11. Since at least May 14, 1990, and continuing to the filing of this Complaint, SYSTEMS stored spent mineral spirits (D001) and spent carburetor cleaner (F002) at its facility without a RCRA permit.

12. Since at least May 14, 1990, and continuing to the filing of this Complaint, SYSTEMS was the owner or operator of an HWM facility.

13. Agency inspectors documented 2 RCRA storage units at the Site in October, 1989. During the May 14, 1990, May 18, 1993, and

April 16, 1996 inspections, SYSTEMS failed to make a closure cost estimate available when requested during a site inspection.

14. Defendant, SYSTEMS, by its conduct described herein, violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(1994), and 35 Ill. Adm. Code 725.242(a).

15. Plaintiff has no adequate remedy at law as money damages will not cure the environmental harm alleged herein. Furthermore, Plaintiff will suffer irreparable injury through harm to the environment and its citizens until such time as this Court grants equitable relief in the form of a preliminary and, after a trial, permanent injunction.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Court enter an Order against Defendant, CUSTOM CLEANING SYSTEMS:

1. Finding that Defendant has violated Section 21(f)(2) of the Act and 35 Ill. Adm. Code 725.242(a);

2. Ordering Defendant to cease and desist from any further violations of Section 21(f)(2) of the Act and 35 Ill. Adm. Code 725.242(a);

3. Assessing against Defendant a civil penalty of \$25,000.00 for each day during which the violations continue;

4. Ordering Defendant to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

5. Granting such other relief as this Court deems appropriate and just.

COUNT IX

FAILURE TO INSPECT STORAGE AREA WEEKLY

1-7. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 7 of Count I as paragraphs 1 through 7 of this Count IX.

8. Section 725.274 of the Board Waste Disposal Regulations, entitled, Inspections, 35 Ill. Adm. Code 725.274, provides as follows:

The owner or operator must inspect areas where containers are stored at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

9. Section 725.115 of the Board Water Disposal Regulations, entitled, General Inspection Requirements, 35 Ill. Adm. Code 725.115, provides, in pertinent part, as follows:

b) Written schedule.

4. The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum the inspection schedule must include the items and frequencies called for in Sections 725.274, 725.293, 725.295, 725.326, 725.360, 725.378, 725.404, 725.447, 725.477, 725.503, 725.933, 725.952, 725.953 and 725.958, where applicable.

* * *

- d) The owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of

the observations made and the date and nature of any repairs or other remedial actions.

10. Section 702.110 of the Board Waste Disposal Regulations entitled, Definitions, 35 Ill. Adm. Code 702.110, provides in pertinent part as follows:

"Hazardous waste management facility" ("HWM facility") means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of "hazardous waste". A facility may consist of several "treatment", "storage", or "disposal" operational units (for example, one or more landfills, surface impoundments, or combinations of them).

11. Since at least May 14, 1990, and continuing to the filing of this Complaint, SYSTEMS was the owner or operator of an HWM facility.

12. Since at least May 14, 1990, and continuing until sometime before April 16, 1996, at a date better known to SYSTEMS, SYSTEMS has failed to conduct weekly inspections of the container storage area.

13. Defendant, by its conduct described herein, violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1994), and 35 Ill. Adm. Code 725.274.

14. Plaintiff has no adequate remedy at law as money damages will not cure the environmental harm alleged herein. Furthermore, Plaintiff will suffer irreparable injury through harm to the environment and its citizens until such time as this Court grants equitable relief in the form of a preliminary and, after a trial, permanent injunction.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the court enter an Order against Defendant, CUSTOM CLEANING SYSTEMS:

1. Finding that Defendant has violated Section 21(f)(2) of the Act and 35 Ill. Adm. Code 725.274;

2. Ordering Defendant to cease and desist from any further violations of Section 21(f)(2) of the Act and 35 Ill. Adm. Code 725.274;

3. Assessing against Defendant a civil penalty of \$25,000.00 for each day during which the violation continued;

4. Ordering Defendant to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

5. Granting such other relief as this Court deems appropriate and just.

COUNT X

FAILURE TO PROVIDE FINANCIAL ASSURANCE FOR CLOSURE AND LIABILITY INSURANCE

1-7. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 7 of Count I as paragraphs 1 through 7 of this Count X.

8. Section 702.110 of the Board Waste Disposal Regulations, entitled, **Definitions**, 35 Ill. Adm. Code 702.110, provides in pertinent part, as follows:

"Hazardous waste management facility" ("HWM facility") means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of "hazardous waste". A facility may consist of several "treatment", "storage", or "disposal" operational units (for example, one or more

landfills, surface impoundments, or combinations of them).

9. Section 725.240(a) of the Board Waste Disposal Regulations, entitled, Applicability, 35 Ill. Adm. Code 725.240(a), provides as follows:

- a) The requirements of Sections 725.242, 725.243, and 725.247 through 725.250 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 725.101.

10. Section 725.243 of the Board Waste Disposal Regulations, entitled, Financial Assurance For Closure, 35 Ill. Adm. Code 725.243, provides, in pertinent part, as follows:

An owner or operator of each facility shall establish financial assurance for closure of the facility. The owner or operator shall choose from the options as specified in subsections (a) through (e), below.

11. Section 725.247(a) of the Board Waste Disposal Regulations, entitled, Liability Requirements, 35 Ill. Adm. Code 725.247(a), provides, in pertinent part, as follows:

- a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated as specified in subsections (a) (1), (2), (3), (4), (5) and (6) below:

12. Since at least May 14, 1990, and continuing to the filing of this Complaint, SYSTEMS was the owner or operator of an HWM facility.

13. At no time has SYSTEMS provided proof of financial assurance for closure of the facility.

14. At no time has SYSTEMS provided proof of liability coverage for sudden accidental occurrences at the facility.

15. Defendant, by its conduct described herein, violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1994), and 35 Ill. Adm. Code 725.243 and 725.247(a).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Court enter an Order against Defendant, CUSTOM CLEANING SYSTEMS:

1. Finding that Defendant has violated Section 21(f)(2) of the Act and 35 Ill. Adm. Code 725.243 and 725.247(a);

2. Ordering Defendant to cease and desist from any further violations of Section 21(f)(2) of the Act and 35 Ill. Adm. Code 725.243 and 725.247(a);

3. Assessing against Defendant a civil penalty of \$25,000.00 for each day during which the violation continued;

4. Ordering Defendant to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

5. Granting such other relief as this Court deems appropriate and just.

COUNT XI

FAILURE TO OBTAIN PERMITS

1-7. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 7 of Count I as paragraphs 1 through 7 of this Count XI.

8.. Section 807.201 of the Board Waste Disposal Regulations, entitled, Development Permits, 35 Ill. Adm. Code 807.201, provides as follows:

Subject to such exemption as expressly provided in Section 21(e) of the Environmental Protection Act as to the requirement of obtaining a permit, no person shall cause or allow the development of any new solid waste management site or cause or allow the modification of an existing solid waste management site without a Development Permit issued by the Agency.

9. From at least April 16, 1996 and continuing until the filing of this Complaint, SYSTEMS conducted a solid waste management site without a development permit issued by the Agency.

10. Section 807.202 of the Board Waste Disposal Regulations, entitled, Operating Permits, 35 Ill. Adm. Code 807.202, provides as follows:

a) New Solid Waste Management Sites.

Subject to such exemption as expressly provided in Section 2(e) of the Environmental Protection Act as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any solid waste management site for which a Development Permit is required under Section 807.201 without an Operating Permit issued by the Agency, except for such testing operations as may be authorized by the Development Permit.

b) Existing Solid Waste Management Sites.

1) Subject to such exemption as expressly provided in Section 21(e) of the Environmental Protection Act as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any existing solid waste management site without an Operating Permit issued by the Agency not later than one year after the effective date of these Regulations.

2) All applications for Operating Permits shall be submitted to the Agency at least 90 days prior to the date on which such permit is required;

however, the Agency may waive such provision when appropriate.

- 3) The Agency may, if necessary to prevent an unmanageable workload, extend the date by which Operating Permits are required for a period not to exceed 180 days. The Agency shall notify the persons affected and the Board, in writing, of such extension at least ninety days in advance of the date set forth in Section 202(b)(1).

c) Duration of Operating Permits.

All operating permits shall remain valid until the site is completed or closed, or until revoked, as provided herein.

11. From at least April 16, 1996 and continuing until the filing of this Complaint, SYSTEMS conducted a solid waste management site without an operating permit issued by the Agency.

12. Defendant, by its conduct described herein, violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (1994), and 35 Ill. Adm. Code 807.201 and 807.202.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Court enter an Order against Defendant, CUSTOM CLEANING SYSTEMS:

1. Finding that Defendant has violated Section 21(d)(2) of the Act and 35 Ill. Adm. Code 807.201 and 807.202;

2. Ordering Defendant to cease and desist from any further violations of Section 21(d)(2) of the Act and 35 Ill. Adm. Code 807.201 and 807.202;

3. Assessing against Defendant a civil penalty of \$50,000.00 for each violation and \$10,000.00 for each day during which the violation continued;

4. Ordering Defendant to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

5. Granting such other relief as this Court deems appropriate and just.

COUNT XII

UNPERMITTED TRANSFER STATION AND STORAGE OPERATION

1-7. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 7 of Count I as paragraphs 1 through 7 of this Count XII.

8. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (1994), provides, in pertinent part, as follows:

No person shall:

* * *

d. Conduct any waste-storage, waste-treatment, or waste-disposal operation:

1. Without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; provided, however, that, except for municipal solid waste landfill units that receive waste on or after October 9, 1993, no permit shall be required for (i) any person conducting a waste-storage, waste-treatment, or waste-disposal operation for wastes generated by such person's own activities which are stored, treated, or disposed within the site where such wastes are generated, or (ii) for a corporation organized under the General Not For Profit Corporation Act of 1986, as now or hereafter amended, or a predecessor Act, constructing a land form in conformance with local zoning provisions, within a municipality having a population of more than 1,000,00 inhabitants, with clean

construction or demolition debris generated within the municipality, provided that the corporation has contracts for economic development planning with the municipality; or

2. In violation of any regulations or standards adopted by the Board under this Act; or
3. Which receives waste after August 31, 1988, does not have a permit issued by the Agency, and is (i) a landfill used exclusively for the disposal of waste generated at the site, (ii) a surface impoundment receiving special waste not listed in an NPDES permit, (iii) a waste pile in which the total volume of waste is greater than 100 cubic yards or the waste is stored for over one year, or (iv) a land treatment facility receiving special waste generated at the site; without giving notice of the operation to the Agency by January 1, 1989, or 30 days after the date on which the operation commences, whichever is later, and every 3 years thereafter. The form for such notification shall be specified by the Agency, and shall be limited to information regarding: the name and address of the location of the operation; the type of operation; the types and amounts of waste stored, treated or disposed of on an annual basis; the remaining capacity of the operation; and the remaining expected life of the operation.

9. From at least April 16, 1996 and continuing until the filing of this Complaint, SYSTEMS conducted an unpermitted transfer station and storage operation for non-hazardous solvent waste.

10. Defendant, by its conduct described herein, violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (1994).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Court enter an Order against Defendant, CUSTOM CLEANING SYSTEMS:

1. Finding that Defendant has violated Section 21(d)(1) of the Act;

2. Ordering Defendant to cease and desist from any further violations of Section 21(d) of the Act;

3. Assessing against Defendant a civil penalty of \$50,000.00 for each violation and \$10,000.00 for each day during which the violation continued;


4. Ordering Defendant to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

5. Granting such other relief as this Court deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. JAMES E. RYAN,
Attorney General of the
State of Illinois and ex rel.

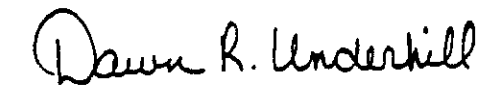
MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY:


WILLIAM D. SEITH, Chief
Environmental Bureau
Assistant Attorney General

ex rel. JAMES W. GLASGOW,
State's Attorney of Will County,
Illinois

BY:


DAWN R. UNDERHILL
Assistant State's Attorney

Of Counsel:

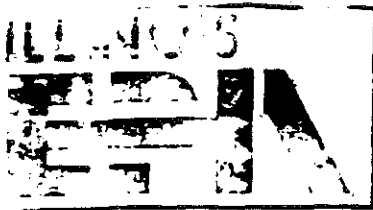
GENEVIEVE M. WATTS
Assistant Attorney General
Environmental Bureau
100 W. Randolph St., 11th Fl.
Chicago, IL 60601
(312) 814-2069

c:\gwco8h

LIST OF EXHIBITS

- A. Permit No. 1981-28-DE (3 pg.)
- B. Supplemental Permit No. 1984-29-SP (4 pg.)
- C. Operating Permit No. 1981-28-OP (3 pg.)
- D. 1988 Revised Operating Permit No. 1981-28-OP (19 pg.)
- E. 1995 Revised Operating Permit No. 1981-28-OP (27 pg.)

c:\gwnf18h



Environmental Protection Agency

2200 Churchill Road, Springfield, Illinois 62706

217/782-6760

Refer to: Will County - Peotone/E & L Tank Cleaners
Permit No. 1981-28-DE

June 10, 1981

E & L Tank Cleaners
Mr. Ernest Winkle
P. O. Box 41
Peotone, IL 60468

RECEIVED

JUN 15 1981

ILL. E.P.A. - D.L.P.C.
STATE OF ILLINOIS

Gentlemen:

Permit is hereby granted to E & L Tank Cleaners and Ernest Winkle as President to develop a waste management site consisting of 5 acres of the North 329.5 feet of the South 814.37 feet of that part of the Southwest 1/4 of Section 25, lying westerly of the westerly right of way line of the Illinois Central Gulf Railroad Company, in Township 33 North and Range 12 East, of the Third Principal Meridian, in Will County, also described as R. R. 1, Rahtje Road, Peotone, to store, transfer and recover waste oil all in accordance with the application and plans prepared by Dale Montgomery, P.E.: Said application consisting of 16 pages and 1 survey plot, received by this Agency on January 19, 1981; 9 pages, 1 topographic quadrangle map and 1 plan sheet, dated March 17, 1981 and received March 20, 1981; and 18 pages, dated April 13, 1981 and received on April 15, 1981.

This permit is subject to the standard conditions set forth on page 4, attached hereto and incorporated herein by reference, and further subject to the following special conditions:

1. This is a development permit. This is not a permit to operate. Apply for an operating permit by writing a brief letter requesting same. An operating permit is necessary to be in full compliance with this Division.
2. This facility shall be developed and operated in accordance with Chapters 2, 3, 7 and 9 of the Illinois Pollution Control Board Rules and Regulations.
3. Special wastes received at the site for recovery shall be transported to the facility utilizing the Agency's supplemental permit system and manifest system.

4. Special wastes generated at the site for disposal, incineration or further treatment elsewhere shall be transported to the receiving facility utilizing the Agency's supplemental permit system and manifest system.
5. This permit is subject to review and modification by the Agency as deemed necessary to fulfill the intent and purpose of the Environmental Protection Act, and all applicable environmental rules and regulations.
6. This permit is issued with the expressed understanding that no process discharge to Waters of the State or to a sanitary sewer will occur from these facilities. If such discharge occurs, additional or alternate facilities shall be provided. The construction of such additional or alternate facilities may not be started until a permit for their construction has been issued by this Agency.
7. No waste oil with flash point lower than 1400 F shall be accepted for recovery at this site. (HAR. OIL)
8. Prior to the issuance of an operating permit, a means of controlling access to the site shall be constructed. (Section 20, Illinois Environmental Protection Act, 207-a & 314-c, Chapter 7: Solid Waste Rules and Regulations)
9. Tanks in excess of 5000 gallons containing hydrocarbons are also under the jurisdiction of this Agency's Division of Air Pollution. Please contact Bharat Mathur at 217/782-2113.
10. A maximum of 10,000 gallons of waste oil may be accepted for recovery per day.
11. On a monthly basis the volume of waste oil received for recovery shall equal the volume of recovered oil and bottom sediment and oily waste water removed from the site.
12. Any spill, runoff or precipitation shall be removed from the sump in the diked area within one working day of the event.

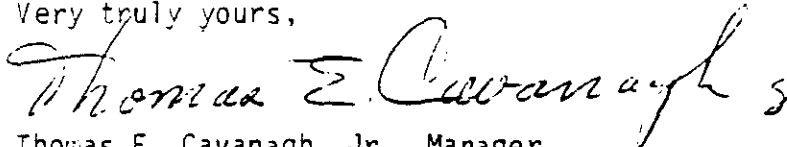
E & L Tank Cleaners

June 10, 1981

Page 3

13. Prior to the issuance of an operating permit, the following shall be accomplished:
- A. Two additional borings shall be completed to adequately determine the pollution potential in the area of the underground tanks. The total of three borings shall be situated such that one is upgradient and two are downgradient. Boring log reports shall be forwarded to the Agency.
 - B. Three monitoring wells shall be completed utilizing the borings. Monitoring wells shall be finished in the sand seam with a 10 foot perforated pipe intercepting the water level, at the midpoint.
 - C. A proposed schedule for sampling and analysis of samples obtained from the monitoring wells shall be forwarded to the Agency. The approved schedule will be incorporated as part of this permit. Further information will be forth coming From Rauf Piskin, Groundwater Management Section.

Very truly yours,



Thomas E. Cavanagh, Jr., Manager
Residual Management Section
Division of Land/Noise Pollution Control

TEC:LJK:vlt

cc: ~~N~~orthern Region
Special Waste Unit
Dale Montgomery, P.E.

217/782-3397

Refer to: 1970P502 -- Will County
Peotoma/E & L Tank Cleaners

April 20, 1984

E & L Tank Cleaners, Inc.
Rural Route #1, Bathie Road
Peotoma, Illinois 60468

Gentlemen:

This coordinated permit contains the Developmental Permit modification Number 1804-20-SF from the Division of Land Pollution Control, and Permit Number 83050023 from the Division of Air Pollution Control.

The Illinois Environmental Protection Agency is willing to assist you in interpreting any of the conditions of this coordinated permit as it relates specifically to your facility.

Should you have any questions concerning the coordinated permit, please contact Mr. Wally K. El-Bock at 217/785-4437 or Mr. Jim Cobb at 217/785-1710.

These permits constitute final action on your application submitted to the Agency.

Sincerely,


Richard J. Carlson
Director

RJC:HKE:tl/23

Attachment:

cc: MPE File 197814ME, 83050023
ELPE
Region I MPE, Regional
Northern Region
Region Kansas
EPLC Compliance Section

217/782-2113

OPERATING PERMIT

PERMITTEE

E & L Tank Cleaners
Post Office Box 41
Peotone, Illinois 60468

Attention: Ernest Winkie

Application No.: 83050029I.S. No.: 197814AAEApplicant's Designation: BoilerDate Received: February 21, 1984Subject: Oil Fired Boiler, Storage Tanks and BlendingDate Issued: April 19, 1984Expiration Date: March 25, 1989Location: South Rahtje Road, Peotone, Illinois

Permit is hereby granted to the above-designated Permittee to OPERATE emission source(s) and/or air pollution control equipment consisting of two blending tanks, fourteen storage tanks, and one oil-fired boiler as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. At the above location, the permittee shall not utilize in the boiler a residual fuel oil (Grades No. 4, 5 and 6) with a sulfur content greater than that given by the formula:

Maximum wt. percent sulfur = $(0.00005) \times (\text{Gross heating value of the oil in BTU/lb})$.

2. ~~Excessively high or low~~ waste materials shall not be used in ~~the boiler or storage tanks~~ without written approval from this Agency.
3. The Agency shall be allowed to sample all fuels stored at the above location.

[Signature]
Sherat Rafter, P.E.
Manager, Permit Section
Division of Air Pollution Control

BN:DDP/Ann/05444/32

cc: Region 1
265 3/21/84
4/17/84



217/78-882

Refer to: 19787502 - Will County
Peotone/E & L Tank Cleaners
Permit No. 1981-28-DE
Supplemental Permit No. 1984-29-SP

April 20, 1984

E & L Tank Cleaners, Inc.
Rural Route #1, Rathio Road
Peotone, Illinois 60468

Gentlemen:

Supplemental permit is hereby granted to E & L Tank Cleaners, Inc. to modify developmental Permit Number 1981-28-DE to allow addition of an oil recovery system and elimination of the previous tank cleaning services all in accordance with the plans prepared by Lars Melander, P.E., dated February 15, 1984, and received by the Agency on February 21, 1984. This supplemental permit is further subject to the following special conditions:

1. This is a development permit. This is not a permit to operate. Apply for an operating permit by writing a brief letter requesting same.
2. Any operations occurring at this facility prior to the issuance of an operating permit may be a violation of Rule 202(b)(1) of Chapter 7.
3. This site is not permitted to accept any special waste until such time as an operating permit for storage and recovery of special waste is granted. It is the responsibility of the permittee to obtain and register under Chapter 7, Rule 210, 310(a).
4. There shall be no hazardous waste accepted at this site.
5. Supplemental permits and manifests shall be required for all incoming special wastes.
6. Sample and analysis loads shall be retained at the facility for a period of three months from the date of sampling. Results of the sample analysis for each load shall be retained at the facility for a minimum of three years.
7. This facility cannot accept any waste containing polychlorinated biphenyls (PCB's) at concentrations greater than 50 ppm.
8. "Crackcase" oil is the only waste stream permitted to be processed at the facility.

Page 2

9. Special wastes generated at the site for disposal, storage, incineration or further treatment elsewhere shall be transported to the receiving facility utilizing the Agency's supplemental permit system and manifest system.
10. This permit is subject to review and modification by the Agency as deemed necessary to fulfill the intent and purpose of the Environmental Protection Act, and all applicable environmental rules and regulations.
11. This permit is issued with the expressed understanding that no person discharge to waters of the State or to a sanitary sewer will occur from these facilities. If such discharge occurs, additional or alternative facilities shall be provided. The construction of such facilities or the discharge of such waste shall be subject to permit for such construction and discharge by this Agency.
12. This facility shall be developed in accordance with this Agency's Division of Air Pollution Control Permit Number 80000029, as well as the terms and conditions of this permit.
13. Except as modified in the above documents, the site shall be developed in accordance with the terms and conditions of Permit No. 1981-28-DE, dated June 10, 1981.

All certifications, logs, or reports which are required to be submitted to the Agency by the permittee should be mailed to the following address:

Illinois Environmental Protection Agency
Compliance Monitoring Section
Division of Land Pollution Control
2200 Churchill Road
Springfield, Illinois 62706

Very truly yours,


Lawrence W. Ertel, P.E., Manager
Permit Section
Division of Land Pollution Control

LWE:WKE:6/6630/102-103

cc: Northern Region
Compliance Monitoring Section
Division File



217/702-5782

Refer to: ~~107876-0000~~ -- Will County

Peotone/E&L Tank Cleaners

Permit No.

Log Nos. 1985-081, 1985-081A, 1986-018, 1986-018A, 1986-072A,
1986-072B, 1986-072C, 1986-072D

October 14, 1986

E&L Tank Cleaners
Attention: Ernest Winkle
Post Office Box 41
Peotone, Illinois 60460

RECEIVED

OCT 21 1986

ILL. E.P.A. - D.L.P.C.
STATE OF ILLINOIS

Gentlemen:

Permit is hereby granted to E&L Tank Cleaners and Ernest Winkle as President, to operate a waste oil treatment/recovery facility located on five acres of the North 329.0 feet of the South 814.37 feet of that part of the SW 1/4 of Section 25, lying westerly of the westerly right-of-way line of the Illinois Central Gulf Railroad Company, in Township 33N., Range 12E., of the 3rd P.M. in Will County, all in accordance with the plans prepared by Lars E. Holander, P.E. Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified on the records of the Illinois Environmental Protection Agency, Division of Land Pollution Control by the permit number(s) and log number(s) designated in the heading above. The permit is issued subject to the standard conditions attached hereto and incorporated herein by reference, and further subject to the following special conditions:

1. The permit allows for the operation of a facility to store and treat used oils for purposes of blending into specifications used oil fuels. Said special waste management facility consists of: four (4) 17,000 gallon, two (2) 11,000 gallon and two (2) 10,000 gallon waste oil storage tanks; six (6) (2-20,000 gallon, one 15,000 gallon, one 10,000 gallon and 2-8,000 gallon) below-grade waste oil processing tanks; two (2) 55,000 gallon processed oil storage tanks; a 10,000 gallon underground wastewater storage tank; and all sumps, pumps, piping and appurtenances.
2. No listed hazardous wastes shall be accepted at this facility. Only waste crankcase oils are permitted for acceptance at this facility for storage, processing and blending into specifications used oil fuels, as defined in 35 IAC Section 726.140(e).



Page 2

3. All special wastes received at the facility shall be transported to the facility utilizing the Agency's special waste stream permit and manifest systems.
4. Any special wastes generated at the site for disposal, storage, incineration or further treatment elsewhere shall be transported to the receiving facility utilizing the Agency's special waste stream permit and manifest systems.
5. The owner and/or operator must analyze and maintain copies of the analyses of all specifications used oil fuels for three years. An operating log must also be maintained which will record the following:
 - a. the name and address of the facility receiving the shipment,
 - b. the quantity of used oil fuel delivered,
 - c. the date of shipment or delivery, and
 - d. a cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specifications.

Copies of the above described operating record must be kept at the facility for three years.

6. The below grade waste oil processing area shall be inspected daily for signs of tank leakage. Any tank showing signs of deterioration shall be repaired or replaced immediately. No run-on shall be allowed to accumulate within this area.
7. The owner/operator shall submit the results of quarterly analysis of samples taken from the facility's groundwater monitoring system for one year. Should the analyses indicate contamination the facility shall initiate a Hydrogeologic and Groundwater Assessment Investigation. A plan shall be drafted and submitted to the Agency for review and approval prior to implementation of the investigation.

At a minimum, groundwater samples shall be analyzed for total heavy metals, flashpoint, pH, total organic halogen (TOX), total organic carbon, phenols and specific conductance. Sampling and analyses shall be conducted in accordance with EPA SW-846 or other EPA approved methods.

8. All loading/unloading of special wastes shall be accomplished over spill containment devices.
9. This permit is subject to review and modification by the Agency as deemed necessary to fulfill the intent and purpose of the Environmental Protection Act, and all applicable environmental rules and regulations.



Page 3

10. This permit is issued with the expressed understanding that no process discharge to waters of the State or to a sanitary sewer will occur from these facilities. If such discharge occurs, additional or alternate facilities shall be provided. The construction of such additional or alternate facilities may not be started until a permit for their construction has been issued by the Agency.
11. This facility shall be operated in accordance with this Agency's Division of Air Pollution Control Permit Number 83050029.
12. Any modification to the facility shall be the subject of an application for supplemental permit for site modification submitted to this Agency.
13. Facility equipment and areas to be operated under this permit shall be closed out in accordance with the closure plan included with the permit application pursuant to 65 Ill. Adm. Code 807.205(1). The facility shall initiate closure and notify the Agency of the initiation of closure within 60 days after the date of receipt of the final volume of wastes.
14. Permittee shall notify the Agency of any changes from the information submitted to the Agency in its application for a developmental and operating permit for this site. Permittee shall notify the Agency of any changes in the names or addresses of both beneficial and legal titleholders to the herein-permitted site. Such notification shall be made in writing within fifteen (15) days of such change and shall include the name or names of any parties in interest and the address of their place of abode; if a corporation, the name and address of its registered agent.

All certifications, logs, or reports which are required to be submitted to the Agency by the permittee should be mailed to the following address:

Illinois Environmental Protection Agency
Disposal Alternatives Unit
Permit Section
Division of Land Pollution Control
2200 Churchill Road
Springfield, Illinois 62706

Very truly yours,


Lawrence H. Eastep, P.E., Manager
Permit Section
Division of Land Pollution Control

LT:EJV:bls/0199g,13,15

cc: Northern Region
Division File
Lana Motenier, P.E.



217/782-6762

Refer to: 1970750002 -- Will County
Custom Blended Oil, Inc.
Permit No. 1981-28-OP
Log Nos. 1988-182 (1988-012, 1985-081, 1985-081A, 1986-018,
1986-018A, 1986-072A, 1986-072B, 1986-072C, 1986-072D)
State Permit File

October 14, 1986
Revised August 29, 1988

Custom Blended Oil, Inc.
ATTN: Ernest Winkel
Post Office Box 1040
Peotone, Illinois 60468

Gentlemen:

Permit is hereby granted to Custom Blended Oil and Ernest Winkel as President, to operate a waste oil treatment/recovery facility located on five acres of the North 329.0 feet of the South 814.37 feet of that part of the SW 1/4 of Section 25, lying westerly of the westerly right-of-way line of the Illinois Central Gulf Railroad Company, in Township 33N., Range 12E., of the 3rd P.M. in Will County, all in accordance with the plans prepared by Lars E. Molander, P.E..

Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified on the records of the Illinois Environmental Protection Agency, Division of Land Pollution Control by the permit number(s) and log number(s) designated in the heading above. The permit is issued subject to the standard conditions attached hereto and incorporated herein by reference, and further subject to the following special conditions:

1. This permit allows for the operation of a facility to store and treat used oils for purposes of blending into specification used oil fuels. Said special waste management facility consists of: four (4) 17,000 gallon, two (2) 11,000 gallon and two (2) 10,000 gallon waste oil storage tanks; six (6) (2-20,000 gallon, one 15,000 gallon, one 10,000 gallon and 2-8,000 gallon) below-grade waste oil processing tanks; two (2) 55,000 gallon processed oil storage tanks; and 10,000 gallon underground wastewater storage tank; and all sumps, pumps, piping and appurtenances.
2. The facility is allowed to accept the following non-hazardous waste oils for storage and blending into used oil fuels:

- | | |
|--------------------|-------------------------|
| A. Automotive Oils | E. Hydraulic Oils |
| B. Engine Oils | F. Lubricants & Greases |
| C. Diesel Oils | G. Industrial Oils |
| D. Mineral Oils | |



3. No listed hazardous wastes shall be accepted at this facility. Only non-hazardous waste oils are permitted for acceptance at this facility for storage, processing and blending into specifications used oil fuels, as defined in 35 IAC Section 726.140(e). The facility must require each generator, shipping waste to the site, to complete the generator certification in Attachment B prior to receiving any waste oil. The certification must become a part of the operating record and should be recertified annually.
4. All special wastes received at the facility shall be transported to the facility utilizing the Agency's special waste stream permit and manifest systems.
5. Existing monitor wells G-101 (Well #1), G-102 (Well #2), G-103 (Well #3) and G-104 (Well #4) shall be sampled and analyzed per Attachment A and C.
6. The below grade waste oil processing area shall be inspected daily for signs of tank leakage. Any tank showing signs of deterioration shall be repaired or replaced immediately. No run-on shall be allowed to accumulate within this area.
7. This facility shall be operated in accordance with this Agency's Division of Air Pollution Control Permit Number 83050029.
8. Oils, oily wastewaters or other wastes contaminated with PCBs greater than 25 PPM or any dioxins are not allowed under this permit.
9. Prior to shipping any used oils or used oil fuels off-site, the permittee shall submit the name, address, contact name, and phone number of each receiving site to the IEPA Division of Land Pollution Control's Permit Section.
10. All used oil, processed used oil, specification used oil fuel, and off-specification used oil fuel shipped to marketers, brokers, or other intermediaries (who distribute but do not process or blend used oil fuel) shall be managed as a special waste and transported to these receiving sites using the Agency's special waste stream permit and manifest systems.
11. The permittee shall analyse each shipment of blended used oil fuel which he/she claims meets the used oil specifications identified in 35 IAC 726.140(e) prior to shipping it off-site. The permittee shall maintain copies of these analyses at the facility for at least 3 years.
12. Waste received for fuel blending into the used oil fuel program (35 IAC 726 Subpart F) shall be analyzed for total halogens. Only USEPA approved test methods for total halogens may be used. If a waste contains greater than 1000 ppm total halogens, the permittee shall use the following methods for rebutting the presumption that the waste has been mixed with halogenated hazardous waste:



1. Determine the concentrations of any halogenated solvents in the waste by using a USEPA approved GC/MS test method (ie SW-846 Method 8240).
 2. Obtain the Material Safety Data Sheets for the oils in the waste. The MSDS's must include the % chlorine in each oil and the sources (ie chlorinated paraffins)
 3. Process description(s) of the operation(s) generating the oil. This description should identify the operations (including those which use solvents), raw materials, and products which may introduce chlorine into the process.
13. A daily operating record shall be maintained at the site. The operating record must be able to track wastestreams as they pass through the facility. At a minimum, it must have the following entries for each shipment of waste received:
- . A unique identification number for each shipment received.
 - . The authorization number for the waste.
 - . The generator's name.
 - . The date received.
 - . The amount received (gallons).
 - . Cross references to any incoming and outgoing laboratory analyses.
 - . Indication of, if the shipment was rejected.

The following types of facilities must also record these additional items in their operating records.

1. STORAGE FACILITY

- a. The date a waste is shipped off-site.
- b. The amount (gallons) shipped off-site.
- c. Name, address, ID number of receiving site.
- d. Authorization number (if the receiving site is in Illinois).
- e. Cross reference to the unique incoming identification number.
- f. Monthly totals which show the amount of waste received and the amount of waste shipped off-site.

2. FUEL BLENDING FACILITY

- a. All the items for a storage facility.
- b. The amount and date of each shipment of waste oil, processed oil, or used oil fuel off-site.



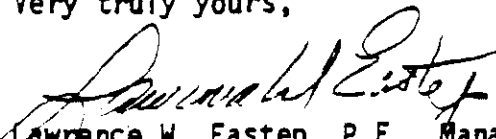
- c. Monthly totals for the amounts (gallons) of each type of fuel shipped off-site.
 - d. Cross reference to the laboratory analyses for the fuels.
- 14. Any special wastes generated at the site for disposal, storage, incineration or further utilizing the Agency's special waste stream permit and manifest systems.
- 15. All loading/unloading of special wastes shall be accomplished over spill containment devices.
- 16. This permit is subject to review and modification by the Agency as deemed necessary to fulfill the intent and purpose of the Environmental Protection Act, and all applicable environmental rules and regulations.
- 17. Any modification to the facility shall be the subject of an application for supplemental permit for site modification submitted to this Agency.
- 18. Facility equipment and areas to be operated under this permit shall be closed out in accordance with the closure plan included with the permit application pursuant to 35 Ill. Adm. Code 807.205(1). The facility shall initiate closure and notify the Agency of the initiation of closure within 30 days after the date of receipt of the final volume of wastes.
- 19. Permittee shall notify the Agency of any changes from the information submitted to the Agency in its application for a developmental and operating permit for this site. Permittee shall notify the Agency of any changes in the names or addresses of both beneficial and legal titleholders to the herein-permitted site. Such notification shall be made in writing within fifteen (15) days of such change and shall include the name or names of any parties in interest and the address of their place of abode; if a corporation, the name and address of its registered agent.
- 20. This Agency reserves the right to require installation of additional monitoring devices, to alter the selection of parameters to be analyzed and to alter monitoring frequencies as may be necessary to fulfill the intent of the Environmental Protection Act.
- 21. The original and two (2) copies of all certifications, logs, reports and plan sheets and three (3) copies of groundwater monitoring chemical analysis forms which are required to be submitted to the Agency by the permittee should be mailed to the following address:



Page 5

Illinois Environmental Protection Agency
Compliance Section
Division of Land Pollution Control -- #24
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

Very truly yours,


Lawrence W. Eastep, P.E., Manager
Permit Section
Division of Land Pollution Control

LWE:ML:jas/2595j, 51-58

cc: Northern Region
Division File
Compliance - Groundwater



Refer to: Site No. 1970750002 - Will County
Custom Blended Oil
Permit No. 1981-2B-OP
Log No. 1988-1B2
Permit File

August 29, 1988

ATTACHMENT A
WATER MONITORING PROGRAM

1. The following monitoring points are to be used in the water monitoring program for the facility:

<u>Applicant Designation</u>	<u>Agency Designation</u>
Test Well #1	G-101
Test Well #2	G-102
Test Well #3	+G-103
Test Well #4	G-104

+ represents upgradient monitoring point(s)

2. To establish initial water quality, the concentrations or values of the following parameters in the water samples shall be determined and reported quarterly during the first year starting with the months of October - November, 1988 and the results due by the 15th of January. Initial water quality must be established for ALL MONITORING POINTS of Item 1.

<u>Constituent</u>	<u>STORET Number</u>
Temp. of Water Sample DEG F (field measured, unfiltered)	00011
Specific Conductance (SC) UMHOS (field measured, unfiltered)	00094
pH STD. UNITS (field measured, unfiltered)	00400
Elevation of GW Surface FT. REF MSL	71993
Depth to Water FT. BELOW LS	72019
*Well Depth Elevation FT. REF MSL	72020
Depth to Water from Measuring Point FT.	72109
T Alkalinity, as CaCO ₃ MG/L Lab	00410
Total Organic Carbon (TOC) as C, MG/L	00680
Chloride Cl, Diss MG/L	00941
Total Organic Halogen (TOX) as, UG/L	78115
Phenols, Total UG/L (unfiltered)	32730
Arsenic AS, Diss UG/L	01000
Barium Ba, Diss UG/L	01005
Cadmium Cd, Diss UG/L	01025
Chromium Cr, Diss UG/L	01030



Page 2

Iron Fe, Diss UG/L	01046
Lead Pb, Diss UG/L	01049
Manganese Mn, Diss UG/L	01056
Nickel Ni, Diss UG/L	01065
Selenium Se, Diss UG/L	01145
Mercury Hg, Diss UG/L	71890
Chloride CL, Diss UG/L	00941
Oil and Grease, MG/L	00556
Benzene, Total UG/L	34030
Toluene, Total In Water UG/L	34010
Chlorobenzene, Total UG/L	34301
Ethyl Benzene, Total UG/L	78113
Xylene, Total in Water UG/L	34020

NOTE: Values for all constituents listed above (except pH, Specific Conductance, temperature and Total Organic Carbon) are to be determined from a sample that has been field filtered through a 0.45 micron filter membrane.

*Elevation, as referenced to mean sea level (MSL), of the bottom of each monitoring well (STORET 72020), is to be reported at least annually. The mandatory measurement must be taken during the months of April or May and reported by July 15.

Surveyed elevation of stick-up is to be reported every two years, or whenever the elevation changes.

3. The schedule for sample collection and submission of quarterly monitoring results is as follows:

<u>Results Due to</u> <u>the Agency by:</u>	<u>Samples to be Collected During</u> <u>the Preceding Months of:</u>
15th of January	October -- November
15th of April	January -- February
15th of July	April -- May
15th of October	July -- August

4. The water monitoring instruction packet enclosed must be utilized in sampling and reporting under your approved water monitoring program.



ATTACHMENT B

This statement is to be completed by the used oil generator and maintained at the receiving facility as part of the operating record.

Used Oil
Certification Statement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

1. The amount of used oil generated in a month _____.
2. _____ The used oil shipped to Custom Blended Oil is not mixed with any hazardous waste, or any other industrial wastes or wastewaters.
- 3.a. _____ No hazardous waste is generated at this facility;
OR
b. _____ The hazardous wastes generated at the facility and authorization numbers for those wastes are listed below, (small quantity generators without authorization numbers must identify themselves as such).

<u>Hazardous Waste</u>	<u>Hazardous Waste Number</u>	<u>Special Waste Stream Authorization Number</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

_____ Illinois ID Number

_____ Generator Facility Name

_____ Signature of Generator

_____ Name and Title

_____ Date

STANDARD CONDITIONS FOR CONSTRUCTION/DEVELOPMENT PERMITS
ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

July 1, 1979

The Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Section 1039) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

These standard conditions shall apply to all permits which the Agency issues for construction or development projects which require permits under the Divisions of Water Pollution Control, Air Pollution Control, Public Water Supplies, and Land and Noise Pollution Control. Special conditions may also be imposed by the separate divisions in addition to these standard conditions.

1. Unless this permit has been extended or it has been voided by a newly issued permit, this permit will expire two years after date of issuance unless construction or development on this project has started on or prior to that date.
2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any agent duly authorized by the Agency upon the presentation of credentials:
 - a. to enter at reasonable times the permittee's premises where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit.
 - b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit.
 - c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit.

MONITOR POINT NUMBER 6 1 0 1
19 29

DATE COLLECTED 23 M / - D / - Y 2

LEPA LAB (x or Blank) 29

29

LAB MEASUREMENTS CONSTITUENT DESCRIPTION AND REQUIRED UNIT OF MEASURE	STORET NUMBER	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	2
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Page 2 of 2

TRANS CODE | A |

ITE INVENTORY NUMBER 1 9 7 0 7 5 0 0 0 2

REGION NORTHERN CO. WILL

BACKGROUND PARAMETERS

MONITOR POINT NUMBER G 1 0 2

DATE COLLECTED 23 M / - D / - Y

IEPA LAB (x or Blank) 29

FACILITY NAME

[illegible]

RECORD
CODETRANS
CODEILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF LAND POLLUTION CONTROL
CHEMICAL ANALYSIS FORM

Page 1 of 1

REPORT DUE DATE

38 M

D

Y TT

FEDERAL ID NUMBER

SITE INVENTORY NUMBER

1 9 7 0 7 5 0 0 0 2

MONITOR POINT NUMBER

6 1 0 3

REGION NORTHERN CO.

WILL

BACKGROUND

see Instructions

DATE COLLECTED

33 M D Y 33

CUSTOM BLENDED OILS

(initial water
quality)

(EPA LAB 'x' or Blank)

see Instructions

39

FACILITY NAME

FOR EPA USE ONLY

COMPLAINT NO.

DATE RECEIVED

42 M

D

Y 37

SAMPLING PURPOSE CODE

48

see Instructions

TIME CARD

PROGRAM CODE

49

& UNIT CODE

53

BACKGROUND SAMPLE (X)

54

TIME COLLECTED

24 HR CLOCK

35 H

UNABLE TO COLLECT SAMPLE

see Instructions

59

MONITOR POINT SAMPLED BY

see Instructions

60

OTHER SPECIFY

SAMPLE FIELD FILTERED (INORGANICS (X)

51

ORGANICS (X)

SAMPLE APPEARANCE

63

COLLECTOR COMMENTS

103

SPECIAL INSTRUCTIONS TO LAB

COLLECTED BY

13 INITIALS

DIVISION OR COMPANY

TRANSPORTED BY

DIVISION OR COMPANY

LAB USE ONLY

LAB SAMPLE NO

LAB NAME

LAB ID NO.

148

DATE RECEIVED

AND ADDRESS

TIME RECEIVED

SAMPLE TEMP OKAY

Y NT

SAMPLE PROPERLY PRESERVED

Y NT

DATE COMPLETED

FORWARD

LAB COMMENTS

150

199

SUPERVISOR SIGNATURE

RECORD CODE

L P C S M D 4

TRANS CODE

A

COLUMNS 9-29 FROM ABOVE

FIELD MEASUREMENTS CONSTITUENT DESCRIPTION AND REQUIRED UNIT OF MEASURE		STORET NUMBER			< OR >	VALUE	REPORT LEA
X	DEPTH TO WATER (ft. below LS)	7 2 0 1 9	5	5	-	- - - - -	17
X	ELEVATION OF GW SURFACE (ft. ref MSL)	7 1 9 9 1	-	-	-	- - - - -	-
	TOTAL WELL DEPTH (ft. below LS)	7 2 0 2 2	-	-	-	- - - - -	-
	ALKALINITY TOTAL (mg/l as CaCO3) Field	0 0 4 1 1	-	-	-	- - - - -	-
	REDOX POTENTIAL (millivolt) Field	0 0 0 9 0	-	-	-	- - - - -	-
X	pH (units) Field	0 0 4 0 0	-	-	-	- - - - -	-
	SPEC CONDUCTANCE (umhos) Field	0 0 0 9 4	-	-	-	- - - - -	-
X	TEMP OF WATER SAMPLE (°F) Field	0 0 0 1 1	-	-	-	- - - - -	-
X	DEPTH TO WATER FR MP FT	7 2 1 0 9	-	-	-	- - - - -	-
A	WELL DEPTH ELEVATION FT REF MSL	7 2 0 2 0	-	-	-	- - - - -	-

Page 2 of 2

FACILITY NAME

[illegible]

RECORD
CODETRANS
CODEILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF LAND POLLUTION CONTROL
CHEMICAL ANALYSIS FORM

Page 1 of 1

REPORT DUE DATE

FEDERAL ID NUMBER

SITE INVENTORY NUMBER

1 9 7 0 7 5 0 0 0 2

MONITOR POINT NUMBER

6 1 0 4

REGION NORTHERN CO.

WILL

BACKGROUND

see (instructions)

DATE COLLECTED

11 M 0 Y 13

CUSTOM BLENDED OILS

(initial water
quality)

IEPA LAB (x or Blank)

see (instructions)

13

FACILITY NAME

FOR IEPA USE ONLY

COMPLAINT NO.

DATE RECEIVED

12 M 0 Y 13

SAMPLING PURPOSE CODE

13

see (instructions)
TIME CARD

PROGRAM CODE

13

& UNIT CODE

13

BACKGROUND SAMPLE (X)

13

TIME COLLECTED

(24 HR CLOCK)

13 H

UNABLE TO COLLECT SAMPLE

see (instructions)

13

MONITOR POINT SAMPLED BY

see (instructions)

13

OTHER SPECIFY

SAMPLE FIELD FILTERED (INORGANICS X)

13

ORGANICS X

SAMPLE APPEARANCE

13

COLLECTOR COMMENTS

103

SPECIAL INSTRUCTIONS TO LAB

COLLECTED BY

13 13
INITIALS

DIVISION OR COMPANY

TRANSPORTED BY

DIVISION OR COMPANY

LAB USE ONLY

LAB SAMPLE NO.

LAB NAME

LAB ID NO.

13

DATE RECEIVED

AND ADDRESS

TIME RECEIVED

SAMPLE TEMP OKAY

Y/N

SAMPLE PROPERLY PRESERVED

Y/N

DATE COMPLETED

FORWARD

LAB COMMENTS

130

139

SUPERVISOR SIGNATURE

RECORD CODE

L P C S M 0 2

TRANS CODE

A

COLUMNS 9-29 FROM ABOVE

FIELD MEASUREMENTS CONSTITUENT DESCRIPTION AND REQUIRED UNIT OF MEASURE		STORET NUMBER			< OR >	VALUE	REMARKS
X	DEPTH TO WATER (ft. below LS)	7 2 0 1 9	13	13	13	13	13
X	ELEVATION OF GW SURFACE (ft. ref MSL)	7 1 9 9 1	13	13	13	13	13
	TOTAL WELL DEPTH (ft. below LS)	7 2 0 0 2	13	13	13	13	13
	ALKALINITY TOTAL (mg l as CaCO3) - Field	0 0 4 3 1	13	13	13	13	13
	REDOX POTENTIAL (millivolt) - Field	0 0 0 9 0	13	13	13	13	13
X	pH units - Field	0 0 4 0 0	13	13	13	13	13
X	SPEC CONDUCTANCE (umhos) - Field	0 0 0 9 1	13	13	13	13	13
X	TEMP OF WATER SAMPLE (°F) - Field	0 0 0 1 1	13	13	13	13	13
X	DEPTH TO WATER FR MP FT	7 2 1 0 9	13	13	13	13	13
A	WELL DEPTH ELEVATION FT REF MSL	7 2 0 2 0	13	13	13	13	13

RECORD CODE

L	P	C	S	M	0	2
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TRANS CODE A

SITE INVENTORY NUMBER 1 9 7 0 7 5 0 0 0 2

REGION NORTHERN CO. WILL

BACKGROUND PARAMETERS

MONITOR POINT NUMBER 6 1 0 .

DATE COLLECTED 23 M / D /

DEPA LAB (x or Blank) 29

CUSTOM BLENDED OILS

FACILITY NAME

LAB MEASUREMENTS CONSTITUENT DESCRIPTION AND REQUIRED UNIT OF MEASURE		STORET NUMBER			< OR >	VALUE	REPORT LEVEL
* TOTAL ORGANIC CARBON (TOC)as, MG/L	0 0 4 1 0	30	31	32	33	34	35
TOTAL ORGANIC HALOGEN (TOX) as, UG/L	7 8 1 1 5						
PHENOLS, TOTAL UG/L UNFILTERED	3 2 7 3 0						
ARSENIC As, DISS UG/L	0 1 0 0 0						
BARIUM Ba, DISS UG/L	0 1 0 0 5						
CADMIUM Cd, DISS UG/L	0 1 0 2 5						
CHROMIUM Cr, DISS UG/L	0 1 0 3 0						
IRON Fe, DISS UG/L	0 1 0 4 6						
LEAD Pb, DISS UG/L	0 1 0 4 9						
MANGANESE, Mn, DISS UG/L	0 1 0 5 6						
NICKEL Ni, DISS UG/L	0 1 0 6 5						
SELENIUM Se, DISS UG/L	0 1 1 4 5						
MERCURY Hg, DISS UG/L	7 1 8 9 0						
CHLDRIDE Cl, DISS UG/L	0 0 9 4 1						
OIL and GREASE, MG/L	0 0 5 5 6						
XYLENE, TOTALS in H2O UG/L	3 4 0 2 0						
BENZENE, TOTALS UG/L	3 4 0 3 0						
TOLUENE, TOTALS IN H2O UG/L	3 4 0 1 0						
CHLOROBENZENE, TOTALS UG/L	3 4 3 0 1						
ETHYL BENZENE, TOTALS UG/L	7 8 1 1 3						

Refer to: 1970750002 -- Will County
Custom Blended Oil
Permit No. 1981-28-OP
Log 1988-182
Permit File

Attachment C
Ground Water Monitoring Conditions

Construction of groundwater monitoring wells must conform to the special conditions below and the "Diagram of Monitoring Well Construction", attached hereto and incorporated herein by reference.

1. Within sixty days of installation of any monitoring point, boring logs and as-built diagrams shall be submitted to the Agency, utilizing the enclosed "Well Completion Report" form. Complete one sheet for each well installed pursuant to this permit. As-built diagrams, for each monitoring point installed, shall include horizontal location to the nearest 0.1 foot (grid coordinates), the type and inner diameter of casing material used, type and length of screen packing material used, type and length of seals used, type of backfill used, finishing details, groundwater levels, elevation of stick-up (top of casing), ground surface elevation, bottom elevation, interval screened, screen slot size and depth. All elevations or levels are to be measured and reported to the nearest 0.01 foot MSL.
2. If replacement of any monitor point becomes necessary, the Agency shall assign a new designation to the point. Agency designations are not transferable.
3. All borings/wells not used as monitoring points shall be backfilled in accordance with the attached IEPA monitor well plugging procedures.
4. For new or replacement wells, the annular space (the space between the bore hole and the well casing) for a distance of two to three feet above the top of the screen must be sealed with a bentonite or an expanding cement grout (as above), to minimize contamination of samples and the groundwater. Above this, an expanding concrete grout plug shall be placed to a point above the ground surface, and be sloped away from the well casing so that surface water will be diverted away from the well casing and bore hole.
5. A padlocked protective cover must be installed over the portion of the well casing extending above the ground surface to protect against damage to, and tampering with, the well.
6. Wells shall be easily visible and identified with the Agency monitoring point designation.
7. All monitoring points shall be maintained such that a sample may be obtained.
8. Should any well become consistently dry or unserviceable and therefore require replacement, a replacement well shall be provided within ten (10) feet of the existing well. This well shall monitor the same zone as the existing well and be constructed in accordance with the current IEPA groundwater monitor well construction standards at the time that the wells are replaced. These standards are available from the Compliance Section. As-built diagrams and boring logs are to be submitted to the Compliance Section within 30 days following installation of the well. New wells which are more than ten (10) feet from the existing well or which do not monitor the same geologic zone must be approved by the Permit Section via a Supplemental Permit.

SAS:rd/sp1883j/1



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

SAH

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217/524-3300

RECEIVED
ATTORNEY GENERAL

CERTIFIED MAIL
Z 422 917 668

December 18, 1995

MAR 01 1996

Custom Blended Oils, Inc.
Post Office Box 41
Peotone, Illinois 60468
ENVIRONMENTAL

Re: 1970750002 -- Will County
Custom Blended Oils
Log No. 1995-425
Permit File

Gentlemen:

The Agency has recently changed the procedures for authorizing the acceptance of waste streams. In response to your application, the Agency has modified your operating permit to allow acceptance of waste streams on a generic basis. As a result, the renewal of existing waste stream permits or the submittal of an application for a new waste stream will no longer be necessary. Your permit now authorizes you to accept all wastes you are currently permitted to receive, without further Agency approval. Wastes may only be accepted on a multistop basis as specifically authorized in your permit.

Please read the revised permit carefully. New conditions have been added which require you to conduct analysis for the same parameters and at the same frequency previously required to obtain a waste stream permit. If you have any questions, please contact Scott Hacke at 217/524-3300.

Sincerely,

Edwin C. Bakowski, P.E.
Manager, Permit Section
Bureau of Land

ECB:SAH:bjh/sp/864Y/5

bcc: Bureau File
Maywood Region
FOS (Churchill)
Ted Dragovich
Scott Hacke



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217/524-3300

October 14, 1986

Revised: December 18, 1995

Custom Blended Oils, Inc.
Post Office Box 41
Peotone, Illinois 60468

Re: 1970750002 -- Will County
Custom Blended Oils
State Permit No. 1981-2B-OP
Log Numbers: 1995-425 (also includes Log Numbers 1995-226, 1994-246,
1993-334, 1993-343, 1993-419, 1988-182, 1988-012, 1986-018, 1986-018A,
1986-072A, 1986-072B, 1986-072C, 1986-072D, 1985-081, and 1985-081A)
State Permit File

Gentlemen:

Permit is hereby granted to Custom Blended Oils, Inc. as owner and operator to operate a waste/used oil treatment facility located on five acres, more or less described as:

The north 329.0 feet of the south 814.37 feet of that part of the Southwest Quarter of Section 25, lying westerly of the westerly right-of-way line of the Illinois Central Gulf Railroad Company, all in Township 33 North, Range 12 East, of the Third Principal Meridian in Will County, Illinois.

Final plans, specifications, applications and supporting documents prepared by Dale Montgomery, P.E., Lars E. Molander, P.E., Daniel Haduch and Hugh H. McMillan, P.E. as submitted and approved shall constitute part of this permit and are identified in the records of the Illinois Environmental Protection Agency, Bureau of Land by the Permit Number and Log Numbers designated in the heading above and referred to hereafter as "the approved permit application".

This permit is issued subject to the standard conditions attached hereto and incorporated herein by reference, and further subject to the following special conditions:

1. This permit allows Custom Blended Oils for development and installation of the following units:
 - a. One (1) "Main Squeeze" model MB1-T2 or equivalent oil filter crushing unit.
 - b. One (1) Model LSR-160SP Liquid Solvent Recovery vacuum distillation unit.

The development, construction, and operation of this unit is also subject to permitting by this Agency's Bureau of Air. Pursuant to 35 Illinois Administrative Code 201.142, the facility must obtain a construction permit from this Agency's Bureau of Air prior to the installation and/or construction of the Model LSR-160SP Liquid Solvent Recovery vacuum distillation unit.

For more information regarding these additional permitting requirements, please contact this Agency's Bureau of Air Permit Section at 217/782-2113.

- c. All other corresponding pumps, sumps, piping, controls, chemical feed systems and appurtenances.

No waste may be accepted for these units until such time as an Operating Permit is issued by this Agency's Bureau of Land.

- 2. The following information shall be submitted to the Agency for review with Custom Blended Oil's application for Operating Permit:
 - a. Certification by an independent, Illinois Registered, Professional Engineer that the new units and ancillary equipment have been installed in accordance with the respective manufacturers instructions.
 - b. Certification by an independent, Illinois Registered, Professional Engineer that the new units and ancillary equipment were designed and installed in a manner that supports it and protects it against physical damage and excessive stress due to settlement, vibration, expansion or contraction.
- 3. This permit allows Custom Blended Oils to operate the following units:
 - a. Tanks

<u>Tank Designation</u>	<u>Maximum Capacity (Gallons)</u>	<u>Permitted Capacity</u>
1U	20,000	18,000
2U	15,000	13,500
3U	8,000	7,200
4U	8,000	7,200
5U	10,000	9,000
6U	20,000	18,000
10H	17,000	15,300
20H	17,000	15,300
30H	11,000	9,900
40H	11,000	9,900
50H	17,000	15,300

<u>Tank Designation</u>	<u>Maximum Capacity (Gallons)</u>	<u>Permitted Capacity</u>
60H	17,000	15,300
70H	10,000	9,000
80H	10,000	9,000
9	55,000	49,500
10	55,000	49,500
Wastewater	10,000	9,000

- b. All other corresponding sumps, pumps, piping, controls, chemical feed systems, loading and unloading areas and appurtenances.
4. This permit is issued for the operation of a facility which will accept the following types of used or waste oils (as defined at 35 Ill. Adm. Code 739.110) for storage and fuel blending:
 - a. Automotive oils;
 - b. Engine oils;
 - c. Diesel oils (including railroad oils);
 - d. Mineral oils;
 - e. Hydraulic oils and fluids;
 - f. Lubricating oils and greases;
 - g. Other industrial oils.
5. The permittee is authorized to accept the wastes identified in condition 4 provided the generator complies with the following requirements:
 - a. The waste is analyzed in accordance with the requirements of conditions 6 and 8, and complies with the acceptance criteria in the approved waste analysis plan;
 - b. The waste is delivered by an Illinois licensed special waste hauler or an exempt hauler as defined in 35 Ill. Adm. Code 809.211; and
 - c. The waste is accompanied by a manifest, if required.

The authorization number is no longer issued by this Agency. Therefore, you will no longer be required to identify the authorization number on the manifest when shipping waste as authorized by this permit.

6. The permittee shall complete a Special Waste Preacceptance form and obtain a preacceptance analysis from each generator. In addition, the annual generator certification form, which certifies the waste has not changed since the last analysis, must be completed and included in the operating record. A complete lab analysis must be provided with the exceptions listed in (e) below. Analysis shall be conducted using SW-846 test methods. The waste shall be reanalyzed at least every five years and must identify the actual concentration of each chemical constituent and state of each physical parameter. In all cases a copy of the lab analysis (on lab letterhead and signed by a responsible party such as the person

conducting the analysis or his supervisor) must be included in the operating record with the generator's certification. The analysis may not be greater than one year old at the time. A new analysis is required if the composition of the waste changes (normal variations in waste composition are expected and are not included in this requirement). All waste must be analyzed in accordance with condition 6 and the following requirements:

- a. Except as identified in condition 6(e), the permittee shall conduct the following lab analyses to determine the concentrations of the following parameters.

Bottom Sediments and Water
Paint Filter Test
Flash point
Sulfide (reactive)
Cyanide (reactive)
Phenol (total)
pH
Toxicity Characteristic Constituents

- b. The permittee shall conduct analysis for reactive sulfides and cyanides. Analysis for total sulfide and/or cyanide may be substituted for reactive concentrations if they are equal to or less than 10 ppm. For wastes containing greater than 10 ppm reactive cyanide or reactive sulfide, the permittee shall not accept the waste unless the generator provides a signed and dated statement indicating that none of the following have occurred:
 1. The waste has never caused injury to a worker because of H₂S and/or HCN generation;
 2. That the OSHA work place air concentration limits for H₂S and/or HCN have not been exceeded in areas where the waste is generated, stored or otherwise handled; or
 3. That air concentrations of H₂S and/or HCN, above 10 ppm, have not been encountered in areas where the waste is generated, stored or otherwise handled.
 4. For waste containing 250 ppm or greater reactive cyanide or 500 ppm or greater reactive sulfide it is presumed hazardous pursuant to 35 Ill. Adm. Code 721.123(a)(5) unless specific information to show it does not present danger to human health or the environment is provided.
- c. The Permittee shall conduct analysis for phenols. If the total phenol concentration is greater than 1000 ppm, the waste will be required to be drummed and labeled, unless justification that this precaution is not necessary is provided. The justification must demonstrate skin contact is unlikely during transport or disposal.

- d. The Permittee shall conduct metals and organics analysis. You may utilize either procedure (i.e., total or TCLP), but any constituent whose total concentration exceeds the TCLP limit specified in 35 Ill. Adm. Code 721.124 must be analyzed using the TCLP test and the results reported, unless an alternative test has been approved by the Agency. TCLP test methods must be in accordance with SW 846-1311.

e. EXCEPTIONS:

- 1. The generator may certify that the eight pesticides (D012, D013, D014, D015, D016, D017, D020 and D031) would not reasonably be expected to be present in their waste based on the nature of the generator's business.
- 2. Used oil which is destined for recycling need only be analyzed for flashpoint, total organic halogen or total chlorine, bottom sediment and water, and totals for arsenic, cadmium, chromium, lead and reactive sulfide.

For the purpose of this permit, "used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities. This definition includes:

- A. Used oil discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, and used oil recovered from wastewater; and
- B. Used oil contaminated with precipitation and/or groundwater which has infiltrated an underground used oil storage tank.

This definition does not include:

- A. Wastewater contaminated with de minimis quantities of used oil such as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to a wastewater treatment system during washing or draining operations;
 - B. Wastewater which is stored in a collection tank intended to collect floor washings or other wastes, even though it may also collect used oil or incidentally become contaminated with used oil; or
 - C. Used oil contaminated with floor washings collected in an underground used oil storage tank, which contains less than 50% used oil, by volume.
- 7. The permittee is authorized to accept used oil from truck fleets and commercial service stations on a multistop basis. This multistop authorization is limited to the following:

- a. Industrial oils, oily waste waters, and oil and water mixtures may only be received under individual manifests and are not permitted under this authorization.
 - b. The permittee shall not accept a load from the hauler unless the hauler provides a completed manifest. The following information must be included with the manifest:
 1. The hauler shall be identified on the manifest as the generator.
 2. The manifest must have a trip log attached to it. The trip log must contain the following information:
 - i. hauler name, identification number, waste type and date of collection;
 - ii. name, address and estimated volume collected from each generator the hauler collected waste from; and
 - iii. signature or initial of the generator and date of pickup;
 3. The permittee shall sign and date the trip log as received and keep the log with its portion of the manifest as part of the facility's operating record.
 - c. The permittee shall obtain a completed copy of the generator certification identified in Attachment C for each generator identified on the trip log prior to acceptance of the generators waste for the first time.
8. The permittee shall analyze all waste in accordance with the approved waste analysis plan and the following modifications:
- a. Preacceptance analysis must be conducted on each waste stream from each generator before receipt of the initial load of waste. Reanalysis must be conducted in accordance with preacceptance analysis plan every five years.
 - b. Upon arrival at the facility each load of used oil shall be tested for total organic halogens prior to unloading.
 - c. Each waste stream of oily waste water received from each generator, shall be analyzed for the following parameters:
 1. Specific gravity
 2. Bottom sediment and water
 3. Sulfur (total and reactive if the total exceeds 10 ppm)
 4. Cyanide (total and reactive if the total exceeds 10 ppm)
 5. pH
 6. Flashpoint
 7. Phenol (total)

8. Toxicity characteristic as defined in 35 IAC 721.124(b); however the generator may certify that the eight pesticides would not reasonably be expected to be present in their waste.
- d. Upon arrival at the facility each load of oily wastewater shall be tested for pH and specific gravity. The results shall be compared to the results from the preacceptance analysis. If the pH varies $1\pm$ and the load may not be accepted without reanalysis. If the specific gravity exceeds 1 or varies greater than 10% if the initial specific gravity is greater than 1, the waste may not be accepted without reanalysis.
- e. The QA/QC procedures must be used which comply with the procedures identified in SW-846.
- f. Each sample of waste oil collected for preacceptance analysis shall be analyzed for total organic halogens utilizing Method 9076 in Test Methods for Evaluating Solid Wastes, Third Edition (SW-846). If any sample of waste oil as analyzed by Method 9076 as described above contains total organic halogens present above 1000 PPM, method 8010 shall be performed on the sample. Wastes which do not contain any single halogenated solvent at a concentration greater than 1000 ppm may be accepted at the facility. If any single halogenated solvent is detected in the sample at a concentration greater than 1000 ppm, the conclusion must be reached that hazardous halogenated solvent waste (EPA Hazardous Waste Numbers F001 or F002) have been mixed with the waste and the waste is therefore a listed hazardous waste which cannot be accepted at this facility.
1. This conclusion can be rebutted if it can be demonstrated that the virgin oil contains approximately the same amount (90-110%) of the halogenated solvent of concern. This rebuttal must include:
 - a. The results of an analysis of the virgin material utilizing Method 8010 in SW-846.
 - b. Material safety data sheets (MSDS's) for the virgin material.
 - c. A description of the process generating the waste. The raw materials, products and operating procedures associated with the process of concern must be thoroughly described as these items could explain the source of the solvents.
 - d. This rebuttal is acceptable only so long as the solvent concentration in the waste is no more than 110% of that found in the virgin material (i.e., 1.1 times the concentration of the solvent in the virgin material). If the amount of solvent present in the waste is greater than 110% of the solvent concentration in the virgin material, it must be concluded that halogenated hazardous waste has been mixed with the used oil.

2. No waste oil which contains more than 1000 ppm of total halogenated solvents (as identified by EPA hazardous waste number F001 or F002) may be accepted at this facility.

A copy of this rebuttal shall be placed in the operating record for the facility and a copy shall also be sent to the Agency.

3. This procedure is not applicable for oily waste waters which are subject to the TCLP analysis by (c) above.
9. No hazardous wastes as listed in 35 Illinois Administrative Code (35 IAC) 721, Subparts C and D may be accepted at this facility. In addition, the requirements of this permit shall remain in effect so long as reclamation of used oil which exhibits a characteristic of hazardous waste is exempted from the requirements of 35 IAC 702, 703, 705 and 722-726. This exemption is currently found at 35 IAC 721.106(a)(4). This permit will be subject to modification if the regulations are modified such that storage and/or reclamation of characteristically hazardous used oil is no longer exempt from RCRA. Please note: An administrative stay of the used oil mixture rule, 40 CFR 279.10(b)(2) has been issued. Used oil and hazardous waste mixtures are a RCRA hazardous waste in the interim. 60F.R. 55204 dated Monday, October 30, 1995, advises that "large and small quantity generators alike can avoid having to comply with RCRA regulatory requirements applicable to hazardous waste mixtures during the pendency of the stay simply by not mixing used oil and characteristic hazardous wastes."
10. Only non-hazardous used/waste oils shall be accepted at this facility for storage, processing and blending into specification used oil fuels, as defined in 35 IAC 739.111.
11. Waste oil received at the site for treatment/fuel blending shall be (1) transported to the facility by a licensed special waste hauler and (2) accompanied by a properly completed IEPA manifest. In addition all generators which send waste to the facility must have an IEPA identification number. The following items shall be documented in the facility's operating record regarding for each load of oil received:
 - a. Date that the load is received.
 - b. Manifest number associated with the waste load.
 - c. Waste name.
 - d. Generator name, location and IEPA identification number.
 - e. Volume of waste received.
 - f. The results of all analyses conducted on the load of waste.
 - g. Documentation as to whether the waste was received in a tank truck or in containers.

- h. Indication as to whether the load was accepted or rejected.
- 12. The following information shall be documented in the facility's operating record for each load of used/waste oil, used oil fuel or used/waste oil derived fuel:
 - a. Date that the load is shipped off-site.
 - b. Volume of shipment.
 - c. Name, location and IEPA identification number of receiving facility.
 - d. Number of the manifest under which the waste is to be shipped.
 - e. Cross reference to the incoming shipment of the waste/used oil.
 - f. Cross reference to any and all laboratory analyses conducted on the shipment.
- 13. The information required to be placed in the facility's operating record by conditions 11 and 12 above shall be made available to the Agency upon written or verbal request.
- 14. Existing monitor wells G-101 (Well #1), G-102 (Well #2), G-103 (Well #3) and G-104 (Well #4) shall be sampled and analyzed per Attachment A and B.
- 15. The below grade waste oil processing area shall be inspected daily for signs of tank leakage. Any tank showing signs of deterioration shall be repaired or replaced immediately. No run-on shall be allowed to accumulate within this area.
- 16. This facility shall be operated in accordance with this Agency's Division of Air Pollution Control Permit Number 83050029.
- 17. Oils, oily wastewaters or other wastes contaminated with PCBs greater than 2 PPM or any dioxins are not allowed under this permit.
- 18. All used oil, processed used oil, specification used oil fuel, and off-specification used oil fuel shipped to marketers, brokers, or other intermediaries (who distribute but do not process or blend used oil fuel) shall be managed as a special waste and transported to these receiving sites using the Agency's manifest system.
- 19. The permittee shall analyze each shipment of blended used oil fuel which he/she claims meets the used oil specifications identified in 35 IAC 739.111 prior to shipping it off-site. The permittee shall maintain copies of these analyses at the facility for at least 3 years.
- 20. Each sample of waste oil collected from an incoming load for fingerprinting analysis shall be analyzed for VHOCs utilizing the test method referenced in Condition 8 above.

- a. Wastes which do not contain any single halogenated solvent at a concentration greater than 1000 ppm may be accepted at the facility.
 - b. For wastes containing a single halogenated solvent at a concentration greater than 1000 ppm:
 - i. The waste may be accepted if the concentration of the solvent is not greater than 100% of the solvent concentration detected in the waste during preacceptance testing.
 - ii. The waste must be rejected and returned to the generator if the requirements of Condition 20.b.i are not met.
 21. The name and address of any new marketer and/or burner of fuels blended at this facility (including specification oils, off-specification oils and hazardous waste fuels) shall be submitted to the Agency prior to shipping the fuel off-site to the new marketer/burner, along with documentation that each marketer and/or burner of hazardous waste fuels or off-specification used oil fuels has so notified USEPA and has received a USEPA Identification Number.
 22. The feed to the Model LSR-160SP Liquid Solvent Recovery vacuum distillation unit shall be limited to on-specification waste/used oil as defined at 35 Illinois Administrative Code 739.111.
 23. The facility shall analyze the overhead product (number 2 diesel or number 2 fuel oil) using the parameters identified in ASTM specification D 975 for diesel motor fuels and ASTM specification D 396 for fuel oils at least once each 8 hour operating shift. The parameters to be analyzed for shall include:
 - a. Flash Point by ASTM Method D 93,
 - b. Cloud Point by ASTM Method D 2500,
 - c. Pour Point by ASTM Method D 97,
 - d. Water and Sediment by ASTM Method D 1796,
 - e. Carbon Residue by ASTM Method D 524,
 - f. Ash by ASTM Method D 482,
 - g. Distillation by ASTM Method D 86,
 - h. Viscosity by ASTM Method D 445,
 - i. Sulfur by ASTM Method D 129, D 1552, D 2622, or D 4294,
 - j. Density by ASTM Method D 1298,
 - k. Corrosion by ASTM Method D 130, 3 hours at 50 degrees Celsius,
 - l. Cetane Number by ASTM Method D 613.
- The results of all analyses shall be included in the facility's operating record and be made available to the Agency upon verbal or written request.
24. Any number 2 diesel fuel or number 2 fuel oil not meeting the ASTM D 396 or D 975 fuel specifications shall either be rerun in the vacuum distillation unit or be managed as used oil.

25. The residuum generated from the operation of the vacuum distillation unit shall be managed as used oil in accordance with the facility's used oil fuels program.
26. The Model LSR-160SP Liquid Solvent Recovery vacuum distillation unit shall be operated and maintained in accordance with the manufacturers recommendations at all times.
27. Special wastes generated or stored at the site which must be disposed, incinerated or further treated off-site shall be transported to the receiving facility utilizing the Agency's Manifest System.
28. All loading/unloading of special wastes shall be performed over non-earthen spill containment devices or secondary containment systems.
29. This Agency reserves the right to require installation of additional monitoring devices, to alter the selection of parameters to be analyzed and to alter monitoring frequencies as may be necessary to fulfill the intent of the Environmental Protection Act.
30. Facility equipment and areas to be operated under this permit shall be closed out in accordance with the closure plan included with the permit application pursuant to 35 IAC 807.205(1). The facility shall initiate closure and notify the Agency of the initiation of closure within 30 days after the date of receipt of the final volume of wastes.
31. Preacceptance screening shall be conducted on all waste oils received at the facility (except all automotive crankcase oils conducted on a multi-stop basis). For waste oils containing greater than 100 ppm reactive cyanide or reactive sulfide the generator will be required to provide a signed and dated statement indicating that none of the following have occurred:
 - a. The waste has never caused injury to a worker because of H₂S and/or HCN generation;
 - b. That the OSHA work place air concentration limits for H₂S and/or HCN have not been exceeded in areas where the waste is generated, stored or otherwise handled;
 - c. That air concentrations of H₂S and/or HCN, above 10 ppm, have not been encountered in areas where the waste is generated, stored or otherwise handled;
 - d. For waste containing 250 ppm or greater reactive cyanide or 500 ppm or greater reactive sulfide it is presumed hazardous pursuant to 35 Ill. Adm. Code 721.123(a)(5) unless specific information to show it does not present a danger to human health or the environment can be provided;
 - e. The waste must be rejected and returned to the generator if the requirements of Condition 31.a-d are not met.

32. All tanks, lines, pumps and appurtenances must have an ongoing internal corrosion protection system (e.g., coatings or cathodic protection).
33. All tanks, lines, pumps and appurtenances must have an ongoing external corrosion protection system (e.g., coating or cathodic protection).
34. The Permittee shall obtain and keep a copy of the written assessment of each existing tank system's integrity on file at the facility. The assessment shall be certified by an independent, qualified Illinois registered professional engineer.
35. Annual thickness Testing and a thorough initial internal tank inspection in accordance with API Publication, Guide for Inspection of Equipment; Chapter VIII, "Atmospheric and low-pressure storage tanks" must be conducted on each tank prior to December 31, 1994.

An independent Illinois registered professional engineer must certify the results of the internal inspection. The results of the thickness testing and the results of previous thickness testing must be compiled in a format which allows the Agency to compare the results for each tank by year to determine the amount corrosion has effected the shell thickness of the tank. The results of the inspection along with previous thickness testing results must be submitted to the Agency prior to introducing the new waste stream into the tank. If the initial internal inspection reveals non-uniform corrosion occurring within the tank a second internal inspection and the results used to calculate the life expectancy of the tank. The life expectancy of the tank must be calculated by determining the rate of corrosion for each tank in mil/yr and calculating the time required for corrosion to reduce the shell thickness to less than the design thickness of the tank.

An internal inspection must be conducted annually in accordance with condition number 36 when the life expectancy of a tank is calculated to be less than five years or annual thickness testing indicates a corrosion rate greater than 5 mil/yr.

36. The Permittee shall inspect all tanks every five years to assess their condition. This inspection shall include the following procedures:
 - a. An interior visual inspection and thickness testing shall be included in the inspection. During this inspection, the interior surface shall be inspected for indentations, cracks, corrosion, weld breaks, aging and thin areas. Corrective action, as specified by the manufacturer of these tanks or an independent Illinois registered engineer, shall be taken if the internal inspection indicates that the interior surface of a tank system has been detrimentally affected by the wastes which have been stored in it.
 - b. Tanks shall be entered in accordance with 29 CFR 1910.41(d)(11).
 - c. A leak test or other integrity assessment as approved by the Agency shall be conducted annually on all ancillary equipment which cannot be inspected daily.

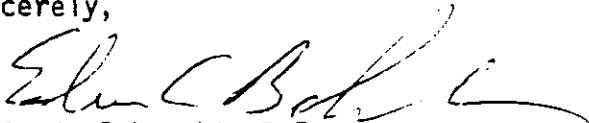
- d. The inspection of each tank system shall be certified by a qualified, independent, Illinois registered professional engineer.
 - e. All waste and washwater generated during evacuation of a tank shall be managed as a special waste.
 - f. The inspection procedures and results of the inspection shall be submitted to the Agency's BOL within sixty (60) days of the inspection date and shall also be included in the operating record of this facility.
 - g. Appropriate action shall be taken if excessive corrosion or deterioration of a tank is observed.
 - h. All permitted waste storage and waste treatment tanks must be inspected in accordance with the following compliance schedule:
 - 1. All existing tanks must be inspected by December 31, 1994 and every 5 years thereafter.
 - 2. New tanks shall be inspected prior to placing the tank into service and every five years thereafter, in accordance with the procedures required by Conditions 36(a) through 36(g).
 - 3. In the event the inspection identified in Condition 36(a) through 36(g) indicates a failure may occur prior to the next 5 year inspection, the next inspection shall take place 1 year prior to the estimated date of failure.
37. All wastes accepted at this site for blending into a fuel to be burned for energy recovery must have a minimum heat of combustion value of 5,000 Btu per pound. This requirement will be waived if Custom Blended Oils documents in the facility operating record that the receiving facility has interim status or a Part B permit in accordance with 35 IAC Parts 725 or 724 respectively, or is in compliance with 35 IAC 726 Subpart H regarding Boilers and Industrial Furnaces. Compliance with this requirement can be demonstrated through copies of relevant permit pages, Agency acknowledgement letters, or certifications.
38. Closure of the facility shall be implemented within 30 days after the facility ceases operation.
39. The facility shall submit a revised closure plan to the Agency for review pursuant to 35 IAC 807.205(L) by January 31, 1994.
40. This permit is subject to review and modification by the Agency as deemed necessary to fulfill the intent and purpose of the Environmental Protection Act, and all applicable environmental rules and regulations.
41. Any modification to the facility shall be the subject of an application for supplemental permit for site modification submitted to this Agency.

42. Permittee shall notify the Agency of any changes from the information submitted to the Agency in its application for a developmental and operating permit for this site. Permittee shall notify the Agency of any changes in the names or addresses of both beneficial and legal titleholders to the herein-permitted site. Such notification shall be made in writing within fifteen (15) days of such change and shall include the name or names of any parties in interest and the address of their place of abode; or, if a corporation, the name and address of its registered agent.
43. Three copies of all certifications with original signatures, logs or reports which are required to be submitted to the Agency by the permittee shall be mailed to the following address:

Illinois Environmental Protection Agency
Planning and Reporting Section
Bureau of Land
Division of Land Pollution Control - #24
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

Within 35 days after the notification of the final permit decision the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Agency, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the 35-day initial appeal period.

Sincerely,



Edwin C. Bakowski, P.E.
Manager, Permit Section
Bureau of Land

ECB:SAH:sf/sp/864Y,6-19

STANDARD CONDITIONS FOR CONSTRUCTION/DEVELOPMENT PERMITS
ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

July 1, 1979

The Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Section 1039) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

These standard conditions shall apply to all permits which the Agency issues for construction or development projects which require permits under the Divisions of Water Pollution Control, Air Pollution Control, Public Water Supplies, and Land and Noise Pollution Control. Special conditions may also be imposed by the separate divisions in addition to these standard conditions.

1. Unless this permit has been extended or it has been voided by a newly issued permit, this permit will expire two years after date of issuance unless construction or development on this project has started on or prior to that date.
2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any agent duly authorized by the Agency upon the presentation of credentials:
 - a. to enter at reasonable times the permittee's premises where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit.
 - b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit.
 - c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit.

- d. to obtain and remove at reasonable times samples of any discharge or emission of pollutants.
 - e. to enter at reasonable times and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
- a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located;
 - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities;
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations;
 - d. does not take into consideration or attest to the structural stability of any units or parts of the project;
 - e. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.
6. Unless a joint construction/operation permit has been issued, a permit for operating shall be obtained from the Agency before the facility or equipment covered by this permit is placed into operation.
7. These standard conditions shall prevail unless modified by special conditions.
8. The Agency may file a complaint with the Board for modification, suspension or revocation of a permit:
- a. upon discovery that the permit application contained misrepresentations, misinformation or false statements or that all relevant facts were not disclosed; or
 - b. upon finding that any standard or special conditions have been violated; or
 - c. upon any violation of the Environmental Protection Act or any Rule or Regulation effective thereunder as a result of the construction or development authorized by this permit.

ATTACHMENT A

Re: 1970750002 -- Will County
Custom Blended Oils
State Permit Number 1981-28-OP
Log Numbers: 1993-334, 1993-393 and 1993-419

Monitoring Program

To identify any releases from the facility and demonstrate compliance with the applicable groundwater quality standards, the groundwater monitoring program is approved as follows:

1. The monitoring program must be capable of determining background groundwater quality hydraulically upgradient of and unaffected by the units and to detect any discharge of contaminants from any part of a potential source of discharge from the units. This Agency reserves the right to require installation of additional monitoring wells as may be necessary to satisfy the requirements of this permit.
2. The groundwater monitoring program shall include consistent sampling and analysis procedures to assure that monitoring results will provide a reliable indication of groundwater quality in the zone being monitored.
3. The permittee shall sample all groundwater monitoring points for all potential sources of contamination on a quarterly basis in accordance with item No. 18 including a minimum of 15 years after certification of closure.
4. The permittee shall use the methods in Attachment B or propose for Agency approval, a more appropriate method to statistically evaluate the groundwater monitoring data. The selected method must provide for statistical comparisons between upgradient and downgradient groundwater quality data and a reasonable balance between the probability of obtaining Type I (false positive) and Type II (false negative) errors. The Type I error rate must be no less than 1 percent. The proposal must consider the gathering of a background data set (from upgradient wells), sufficient to provide an accurate representation of the variability in the quality of groundwater that is unaffected by operations at the facility, and to assure that the selected test has a reasonable chance of detecting releases should they occur.
5. For each sampling event, using the methods in item No. 4 above, the permittee must determine if a significant change in groundwater quality has occurred by:
 - a. Comparing sample results from each downgradient well to the upgradient well's background data established during the first year of monitoring. This comparison must evaluate each parameter for each well; or

- b. Comparing the most recent sample result from each well to the background established for that well during the first year. This comparison must be performed for each parameter for each well.
- 6. The permittee shall conclude that a significant change in groundwater quality has occurred if the results of the evaluation in item No. 5 above indicate that the value for any parameter exceeds:
 - a. The background value established for that parameter at the 99% confidence level; or
 - b. The Class I groundwater quality standards listed in Subpart D of 35 IAC 620 Standards (this class applies until an adequate demonstration has been made by the Permittee that another class applies pursuant to Subpart B of 35 IAC 620 Standards); or
 - c. For organic parameters listed in 35 IAC Part 724, Appendix I and as referenced in List 3 of this Attachment, two (2) times the Practical Quantitation Limit (PQL) for a single parameter or any two or more parameters exceed the PQL in the same well.
- 7. Within 45 days of the original sample date, the permittee may resample and test the determination made in item No. 6 above. If the evaluation of the resample result confirms the determination made in item No. 6 above, the permittee must conclude that a significant change in groundwater quality has occurred.
- 8. In the event a significant change in groundwater quality has occurred or has been confirmed, the permittee shall:
 - a. Notify the IEPA, Division of Land Pollution Control, Permit Section, in writing, within 10 days of the change in groundwater quality, identifying each well and each parameter;
 - b. Submit an assessment monitoring plan within 30 days of the significant change as determined in item No. 6 or item No. 7 above in the form of a supplemental permit application. The assessment monitoring plan shall include appropriate methods for determining the source of the increase, the potential threat to human health and the environment and the concentration and extent of the contaminants if any. The assessment monitoring plan shall, at a minimum, include expanded sampling requirements for the affected well(s) and shall be implemented within 30 days of approval from the Agency.
 - c. Submit assessment report, based on and including the data and information generated from the completion of item No. 8b above to the Agency within 90 days of approval of the assessment monitoring plan.

- d. Propose a corrective action plan if assessment monitoring indicates that the facility has impacted groundwater. The corrective action plan shall be submitted within 30 days of approval of the assessment report required by item 8c above in the form of a supplemental permit application and include appropriate response action to address any impact of the facility. The plan shall be implemented within 30 days of Agency approval.
9. All monitoring wells shall be constructed in a manner that maintains the integrity of the bore hole and prevents contamination of the samples and groundwater. The casing material shall be inert so as not to affect the water sample.
10. A padlocked protective cover must be installed over the portion of the well casing extending above the ground surface to protect against damage.
11. Wells shall be easily visible and identified with the Agency monitoring point designation.
12. Should any well become consistently dry or unserviceable, a replacement well shall be provided within ten (10) feet of the existing well. This well shall monitor the same zone as the existing well and constructed in accordance with the current IEPA groundwater monitor well construction standards at the time that the wells are replaced. A replacement well which is more than ten (10) feet from the existing well or which does not monitor the same geologic zone must be approved via a Supplemental Permit and designated as a new well.
13. Within sixty days of installation of any groundwater and/or leachate monitoring well, boring logs compiled by a qualified geologist, well development data and as-built diagrams shall be submitted to the Agency utilizing the enclosed "Well Completion Report" form. For each well installed pursuant to this permit one form must be completed. As-built diagrams, for each monitoring point installed, shall include the horizontal location to the nearest 0.1 foot (grid coordinates), the type and inner diameter of casing material used, type and length of screen packing material used, type and length of seals used, type of backfill used, finishing details, groundwater levels, elevation of stick-up (top of casing), ground surface elevation, bottom elevation, interval screened and screen slot size and depth. All elevations or levels are to be measured and reported to the nearest 0.01 foot MSL.
14. All borings/wells not used as monitoring points shall be backfilled in accordance with the attached IEPA monitor well plugging procedures.
15. The Agency shall be notified in writing at least 15 days prior to the installation of all new and replacement monitoring wells. All newly required monitoring wells should be installed within 60 days of the issuance of this permit.

16. Surveyed elevation of stick-up is to be reported when the well is installed (with as-built diagrams) and every two years, or whenever the elevation changes.
17. The following monitoring points are to be used in the groundwater monitoring program for the facility:

<u>Applicant Designation</u>	<u>Agency Designation</u>
Test Well #1	G-101
Test Well #2	G-102
Test Well #3	+G-103
Test Well #4	G-104

+ represents upgradient monitoring point(s)

18. To establish routine groundwater quality, the concentrations or values of the following parameters in the water samples shall be determined and reported quarterly during the first year starting with the months of October - November, 1988 and the results due by the 15th of January. Initial water quality must be established for ALL MONITORING POINTS of Item 17.

<u>Constituent</u>	<u>STORET Number</u>
Temp. of Water Sample DEG F (field measured, unfiltered)	00011
Specific Conductance (SC) UMHOS (field measured, unfiltered)	00094
pH STD. UNITS (field measured, unfiltered)	00400
Elevation of GW Surface FT. REF MSL	71993
Depth to Water FT. BELOW LS	72019
*Well Depth Elevation FT. REF MSL	72020
Depth to Water from Measuring Point FT.	72109
T Total Alkalinity, as CaCO ₃ MG/L Lab	00410
Total Organic Carbon (TOC), as C, MG/L	00680
Chloride Cl, Total MG/L	00941
Total Organic Halogen (TOX) as, UG/L	7B115
Phenols, Total UG/L (unfiltered)	32730
Arsenic As, Diss UG/L	01000
Barium Ba, Diss UG/L	01005
Cadmium Cd, Diss UG/L	01025
Chromium Cr, Diss UG/L	01030
Iron Fe, Diss UG/L	01046
Lead Pb, Diss UG/L	01049
Manganese Mn, Diss UG/L	01056
Nickel Ni, Diss UG/L	01065
Selenium Se, Diss UG/L	01145
Mercury Hg, Diss UG/L	71890
Chloride CL, Diss UG/L	00941
Oil and Grease, MG/L	00556

<u>Constituent</u>	<u>STORET Number</u>
Benzene, Total UG/L	34030
Toluene, Total in Water UG/L	34010
Chlorobenzene, Total UG/L	34301
Ethyl Benzene, Total UG/L	78113
Xylene, Total in Water UG/L	34020

NOTE: Values for all constituents listed above (except pH, Specific Conductance, temperature and Total Organic Carbon) are to be determined from a sample that has been field filtered through a 0.45 micron filter membrane.

*Elevation, as referenced to mean sea level (MSL), of the bottom of each monitoring well (STORET 72020), is to be reported at least annually. The mandatory measurement must be taken during the months of April or May and reported by July 15.

Surveyed elevation of stick-up is to be reported every two years, or whenever the elevation changes.

19. The schedule for sample collection and submission of quarterly monitoring results is as follows:

<u>Results Due to the Agency by:</u>	<u>Samples to be Collected During the Preceding Months of:</u>
15th of January	October -- November
15th of April	January -- February
15th of July	April -- May
15th of October	July -- August

20. The water monitoring instruction packet enclosed must be utilized in sampling and reporting under your approved water monitoring program.
21. The concentration or values for the parameters contained in item 18 shall be determined for samples collected from the groundwater monitoring points and reported according to the schedule in item No. 19 and evaluated in accordance with item No. 5.

SAH:sf/sp/864Y,19-23

ATTACHMENT B

A. This method should be used to predict the confidence limit when single groundwater samples are taken from each monitoring (test) well.

1. Determine the arithmetic mean (\bar{X}_b) of each indicator parameter for the background sampling period. A recommended minimum of 20 background samples must be taken over a period of one year. If more than one background (upgradient) well is used, an equal number of samples must be taken from each well.

$$\bar{X}_b = \frac{X_1 + X_2 + \dots + X_n}{n}$$

Where:

\bar{X}_b = Average background value for a given chemical parameter
 X_n = Background values for each upgradient sample
 n = the number of background samples taken

2. Calculate the background variance (S_b^2) and standard deviation (S_b) for each parameter using the values (X_n) from each background sample of the upgradient well(s) as follows:

$$S_b^2 = \frac{(X_1 - \bar{X}_b)^2 + (X_2 - \bar{X}_b)^2 + \dots + (X_n - \bar{X}_b)^2}{n-1}$$

$$S_b = \sqrt{S_b^2}$$

3. Calculate the upper confidence limit using the following formula:

$$CL = \bar{X}_b \pm t\sqrt{1 + 1/n} (S_b)$$

Where:

CL = upper confidence limit prediction
(upper and lower limits should be calculated for pH)
 t = one-tailed t value at the required significance level and at $n-1$ degrees of freedom from Table 1
(a two-tailed t value should be used for pH)

4. If the values of any routine parameter for any monitoring well exceeds the upper confidence limit for that parameter, the permittee shall conclude that a statistically significant change has occurred at that well.
5. When some of the background (upgradient) values are less than the Method Detection Limit (MDL), a value of one-half ($1/2$) the MDL shall be substituted for each background value that is reported as less than the MDL. All other computations shall be calculated as given above.

- B. If all the background (upgradient) values are less than the MDL for a given parameter, the Practical Quantitation Limit (PQL), as given in 35 Ill. Adm. Code Part 724 Appendix I shall be used to evaluate data from monitoring wells. If the analytical results from any monitoring well exceeds two (2) times the PQL for any single parameter, or if they exceed the PQLs for two or more parameters, the permittee shall conclude that a statistically significant change has occurred.

Table 1
Standard T-Tables Level of Significance

Degrees of freedom	t-values (one-tail)		t-values (two-tail)*	
	99%	95%	99%	95%
4	3.747	2.132	4.604	2.776
5	3.365	2.015	4.032	2.571
6	3.143	1.943	3.707	2.447
7	2.998	1.895	3.499	2.365
8	2.896	1.860	3.355	2.306
9	2.821	1.833	3.250	2.262
10	2.764	1.812	3.169	2.228
11	2.718	1.796	3.106	2.201
12	2.681	1.782	3.055	2.179
13	2.650	1.771	3.012	2.160
14	2.624	1.761	2.977	2.145
15	2.602	1.753	2.947	2.131
16	2.583	1.746	2.921	2.120
17	2.567	1.740	2.898	2.110
18	2.552	1.734	2.878	2.101
19	2.539	1.729	2.861	2.093
20	2.528	1.725	2.845	2.086
21	2.518	1.721	2.831	2.080
22	2.508	1.717	2.819	2.074
23	2.500	1.714	2.807	2.069
24	2.492	1.711	2.797	2.064
25	2.485	1.708	2.787	2.060
30	2.457	1.697	2.750	2.042
40	2.423	1.684	2.704	2.021

Adopted from Table III of "Statistical Tables for Biological Agricultural and Medical Research" (1947. R.A. Fisher and F. Yates).

* For pH only when required.

SAH:sf/sp/864Y,24-25

ATTACHMENT C

This statement is to be completed by the used oil generator and maintained at the receiving facility as part of the operating record.

Used Oil Multi-Stop Generator Certification Statement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

1. The amount of waste (covered by the multi-stop) generated in a month _____.
2. _____ The waste shipped under this multi-stop permit is not mixed with any hazardous waste, or any other industrial wastes or wastewaters.
- 3.a. _____ No hazardous waste is generated at this facility;
OR
b. _____ The hazardous wastes generated at the facility are listed below.

Hazardous Waste

Hazardous Waste
Number

Illinois ID Number (if known)

Generator Facility Name and Address

Signature of Generator

Name and Title

Date _____

Attachment D

Annual Generator Special Waste Recertification for
Treatment of Special Waste

Generator Name: _____ Illinois ID #: _____

Generic Waste Name: _____

Process Which Generated Waste: _____

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is true, accurate, and complete. I have used intimate knowledge of our process which generates the waste and certify that neither the process generating the waste nor the chemical or physical characteristics of the waste have changed since the preacceptance analysis was conducted on this waste. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

Signature: _____ Date: _____
(Generator or duly authorized Agent)

Printed Name: _____ Title: _____

Note to Generator: Preacceptance analysis must be conducted in accordance with the receiving facilities permit, every five years.

HAC:SAH:sf/sp/164Y,18

Attachment E
Special Waste Preacceptance Form (Profile Identification Sheet)

Facility Name: _____ Facility I.D. No. _____
 Facility Address: _____ Generator Contact Person: _____
 Generator Name: _____ Generator Mailing Address: _____
 (If Different) _____
 Generator Address: _____ Phone Number: _____
 IL Generator I.D. No.: _____ Transporter: _____
 Generator SIC Code: _____ Transporter Phone: _____
 This is a: _____ Pollution Control Waste, _____ Industrial Process Waste as defined in Section 3 of the Act.
 Process Description: _____
 Generic Waste Name: _____ Ultimate Disposal: _____

Analysis

(leave blank any constituent for which analysis has not been conducted)

Physical Characteristics _____ Major Constituents: _____
 (e.g. color, odor)
 Paint Filter Test: _____ Penetrometer Test: _____
 (Indicate pass or fail) (Indicate pass or fail in accordance with the
 procedures in 35 Ill. Adm. Code 729.321)
 Waste Phase: _____ Flash Point °F: _____ Percent Solids: _____
 (Indicate solid, liquid, semi solid or compressed gas)
 Percent Acidity/Alkalinity: _____ pH (for aqueous wastes only): _____

Constituent	Regulatory Threshold Level, ppm	PQL (ppm)	Results of the Analysis	Constituent	Regulatory Threshold Level, ppm	PQL (ppm)	Results of the Analysis
D004 Arsenic	5.0	_____	_____	D026 Cresol	200.00	_____	_____
D005 Barium	100.0	_____	_____	D027 1,4-Dichlorobenzene	7.5	_____	_____
D006 Cadmium	1.0	_____	_____	D028 1,2-Dichloroethane	0.5	_____	_____
D007 Chromium	5.0	_____	_____	D029 1,1-Dichloroethylene	0.7	_____	_____
D008 Lead	5.0	_____	_____	D030 2,4-Dinitrofluorene	0.13	_____	_____
D009 Mercury	0.2	_____	_____	D031 Heptachlor	0.008	_____	_____
D010 Selenium	1.0	_____	_____	(and its epoxide)	_____	_____	_____
D011 Silver	5.0	_____	_____	D032 Hexachlorobenzene	0.13	_____	_____
D012 Endrin	0.02	_____	_____	D033 Hexachlorobutadiene	0.5	_____	_____
D013 Lindane	0.4	_____	_____	D034 Hexachloroethane	3.0	_____	_____
D014 Methoxychlor	10.0	_____	_____	D035 Methyl ethyl ketone	200.0	_____	_____
D015 Toxaphene	0.5	_____	_____	D036 Nitrobenzene	2.0	_____	_____
D016 2,4-D(2,4-Dichloro- phenoxyacetic acid)	10.0	_____	_____	D037 Pentachlorophenol	100.0	_____	_____
D017 2,4,5-TP Silvex	1.0	_____	_____	D038 Pyridine	5.0	_____	_____
D018 Benzene	.05	_____	_____	D039 Tetrachloroethylene	0.7	_____	_____
D019 Carbon tetrachloride	0.5	_____	_____	D040 Trichloroethylene	0.5	_____	_____
D020 Chlordane	0.03	_____	_____	D041 2,4,5-Trichlorophenol	400.0	_____	_____
D021 Chlorobenzene	100.0	_____	_____	D042 2,4,6-Trichlorophenol	2.0	_____	_____
D022 Chloroform	6.0	_____	_____	D043 Vinyl Chloride	0.2	_____	_____
D023 o-Cresol	200.0	_____	_____	Reactive Sulfide	_____	_____	_____
D024 m-Cresol	200.0	_____	_____	Reactive Cyanide	_____	_____	_____
D025 p-Cresol	200.0	_____	_____	Phenols	_____	_____	_____
				EOX/TOX (circle one)	_____	_____	_____
				PCBs	_____	_____	_____

Is the certification form attached which certifies the absence of each constituent for which analysis has not been conducted (non-commingled hazardous waste only): Yes _____ No _____

The above analysis has been conducted in accordance with SW-846 Test Methods for Evaluation of Solid Waste. I have reviewed the analysis and the attached certification form (if applicable) and determined that the waste will be: _____ accepted _____ rejected in accordance with the terms of our facility operating permit. In addition, I agree to require the generator to recertify annually that this waste has not changed since the preacceptance analysis was conducted.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

Signature: _____ Date: _____
 (Facility operator or duly authorized Agent)

Printed Name: _____ Title: _____
 HAC:SAH:sf/sp/164Y,19

RCRA INSPECTION REPORT

TYPE OF FACILITY**TYPE OF INSPECTION**

NON-REGULATED STATUS

PART A**PART 8 PERMIT APPLICATION**

ENFORCEMENT

ORDERS ISSUED

TSD FACILITY ACTIVITY SUMMARY[illegible]

OPERATOR

Name	CUSTOM BLENDED OILS, INC.	Name	CUSTOM BLENDED OILS, INC.
Address	31755 SOUTH RATHJE ROAD -A	Address	31755 SOUTH RATHJE ROAD -A
City	PEOTONE	City	PEOTONE
State	ILLINOIS	State	ILLINOIS
Zip	60468	Zip	60468
Phone #	(708) 258-6881	Phone #	(708) 258-6881

TITLE**PHONE #**

DANIEL HADUCH	GENERAL MANAGER	(708) 258-6881

AGENCY/TITLE**PHONE #**

DONNA CZECH	IEPA / EPS	(708) 338-7900

AGENCY/TITLE**PHONE #**

Donna Czech	EPA/EAS	(708) 338-7900
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SUMMARY OF APPARENT VIOLATIONS

[illegible][illegible][illegible]

Facility Name: JOHN B. GARDNER OHS, Inc.
 SEPA #: 11 D 0 0 9 5 0 3 9 4 4
 SEPA #: 1 9 7 0 7 5 0 0 0 2

- All "NO" responses must be explained in narrative.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

General Application for Permit (LPC-PA1)

This form must be used for any application for permit from the Bureau of Land, except for waste stream applications and applications for the composting of landscape waste only. One original and two (2) photocopies, or three (3) if applicable, of all permit application forms must be submitted. Attach the original and appropriate number of copies of any necessary plans, specifications, reports, etc. to fully support and describe the activities or modifications being proposed. If necessary, attach sufficient information to demonstrate compliance with all applicable RCRA requirements. Incomplete applications will be rejected. Please refer to the instructions for further guidance.

Note: Permit applications which are to be hand-delivered to the Bureau of Land, Permit Section must be delivered to the 1240 North Ninth Street location between the hours of 8:30 a.m. to 5:00 p.m., Monday through Friday (excluding State holidays).

Please type or print legibly.

I. SITE IDENTIFICATION

Name: CUSTOM BLENDED OILS, INC. Site # (IEPA): 1 9 7 00 7 05 0 00 0 2
Physical Site Location (street, road, etc.): 31755 S. RATHJE RD.
City, Zip Code: PEOTONE, IL 60468 County: WILL
Existing DE/OP Permit Nos. (if applicable): 1981-28-OP

II. OWNER/OPERATOR IDENTIFICATION

	OWNER	OPERATOR
Name:	<u>CUSTOM BLENDED OILS, INC</u>	<u>LORENE WINKLE</u>
Address:	<u>P.O. BOX 1041</u> <u>PEOTONE, IL 60468</u>	<u>P.O. BOX 1041</u> <u>PEOTONE, IL. 60468</u>
Contact Name:	<u>DANIEL HADUCH</u>	<u>DANIEL HADUCH</u>
Phone #:	<u>(708) 258-6881</u>	<u>(708) 258-6881</u>

III. PERMIT APPLICATION IDENTIFICATION

TYPE SUBMISSION/REVIEW PERIOD:

☐ New Landfill/180 days (35 IAC Part 813)
☐ Landfill Expansion/180 days (35 IAC Part 813)
☐ 1st Sign. Mod/90 days (35 IAC Part 814)
☐ Sign. Mod to Operate/90 days (35 IAC Part 813)
☐ Other Sign. Mod/90 days (35 IAC Part 813)
☐ Renewal of Landfill/90 days (35 IAC Part 813)
☐ Developmental/90 days (35 IAC Part 807)
☐ Operating/45 days (35 IAC Part 807)
☒ Supplemental/90 days (35 IAC Part 807)
☐ Permit Transfer/90 days (35 IAC Part 807)
☒ Generic/90 days

TYPE FACILITY:

☐ Landfill
☐ Land Treatment
☐ Transfer Station
☐ Treatment
☒ Storage
☐ Incinerator
☒ Composting
☒ Recycling/Reclamation
☐ Other (Specify) _____

TYPE WASTE:

☐ General Municipal Refuse
☐ Hazardous
☒ Special (Non-hazardous)
☐ Chemical Only (exc. putrescible)
☐ Inert Only (exc. chemical and putrescible)
☒ Used Oil
☒ Solvents
☐ Landscape/Yard Waste
☐ Other (Specify) _____

DESCRIPTION OF THIS PERMIT REQUEST: (Include a brief narrative description here.)

ACCEPT NON-HAZARDOUS USED ANTI-FREEZE AND NON-HAZARDOUS USED MINERAL SPIRITS, ADD ONE
ADDITIONAL STORAGE TANK, AND REPLACE USED OIL CRACKING UNIT WITH VACUUM DISTILLATION
UNIT

RECEIVED

JUN 22 1995

IEPA-BOL
PERMIT SECTION

IL 532 1857
LPC 350 Rev. May-93

Printed on Recycled Paper

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111 1/2, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

1970750002 - Will County
Peotone/Custom Blended Oils, Inc.
ILD069503944

NARRATIVE

Prepared by Donna Czech

Custom Blended Oils, Inc. (CBO) is a used oil reprocessing facility. CBO accepts used oils of various types on a generic basis as well as automotive oils from service stations, auto dealers, and oil change stations via multi-stop permit. The incoming waste oil is processed on site to remove any bottom sediment and water. The processed oil is sold as specification used oil fuel directly to industrial burners.

Occasionally, off-specification used oil fuel is sold to Enviropur in McCook, Illinois. This material, which is less than ten percent of CBO's processed oil, is used by Enviropur as a base stock for re-refined oils. CBO also sells specification used oil fuel to Enviropur when a burner is not available to receive processed material.

Non-Hazardous Wastes Generated

1. Oily Wastewater
 - separated from used oil in the treatment process
 - approximately 25,000 gallons are generated in a month
 - shipped to Liquid Recovery Systems in Chicago, Illinois or to Beaver Oil in Gary, Indiana for treatment
 - approximately 10,000-15,000 gallons were on site
2. Tank Bottoms
 - bottom sediment removed from tanks during cleaning
 - generation is occasional
 - shipped to County Environmental Landfill in Pontiac, Illinois for disposal
 - no waste was on site

Notes

Process equipment for CBO currently consists of eight above-ground waste oil storage tanks, six below-grade waste oil processing tanks, two above-ground processing oil storage tanks and one underground

wastewater storage tank. The vacuum distillation unit which was proposed by CBO in a recent supplemental permit application, has not be installed.

CBO is currently operating under a valid permit from the Agency's Bureau of Air (Permit #83050029). At the time of this inspection, CBO appeared to be operating as a used oil transporter and processing facility and as a marketer of specification and off-specification used oil fuels.

Apparent Violations (* denotes continuing violations)

The following is a list of permit requirements applicable to CBO and the apparent violations associated with them:

State Permit No. 1981-28-OP (revision date December 18, 1995)

Special Conditions

1. Item 6: "The Permittee shall complete a Special Waste Preacceptance form and obtain a preacceptance analysis from each generator. In addition, the annual generator certification form, which certifies the waste has not changed since the last analysis must be completed and included in the operating record...."

Apparent Violation: CBO has not completed a Special Waste Preacceptance form or obtained a preacceptance analysis from each generator.

2. * Item 11: "... The following items shall be documented in the facility's operating record for each load of oil received:
 - a. Date that the load is received.
 - b. Manifest number associated with the waste load.
 - c. Waste name.
 - d. Generator name, location and IEPA identification number.

- e. Volume of waste received.
- f. The results of all analyses conducted on the load of waste.
- g. Documentation as to whether the waste was received in a tank truck or in containers.
- h. Indication as to whether the load was accepted or rejected."

Apparent Violation: The operating record for incoming used oil was not completed from October 1995 through December 1995.

3. * Item 12: "The following information shall be documented in the facility's operating record for each load of used/waste oil, used oil fuel or used/waste oil derived fuel:
- a. Date that the load is shipped off site.
 - b. Volume of shipment.
 - c. Name, location and IEPA identification number or receiving facility.
 - d. Number of the manifest under which the waste is to be shipped.
 - e. Cross reference to the incoming shipment of the used/waste oil.
 - f. Cross reference to any and all laboratory analyses conducted on the shipment."

Apparent Violation: The operating record did not contain: the IEPA identification number of receiving facilities located in Illinois; the manifest numbers for shipments of used oil fuel to Enviropur; a cross reference to the incoming shipment of used/waste oil; or a cross reference to any laboratory analyses conducted on the shipment.

4. Item 14: "Existing monitor wells G-101 (Well #1), G-102 (Well #2), G-103 (Well #3) and G-104 (Well #4) shall be sampled and analyzed per Attachment A and B."

Attachment A(10): " A padlocked protective cover must be installed over the portion of the well casing extending above the ground surface to protect against damage.

Apparent Violation: Groundwater monitoring wells G-101 and G-102 were not locked at the time of the inspection.

Attachment A(11): "Wells should be easily visible and identified with the Agency's monitoring point designation."

Apparent Violation: None of the groundwater monitoring wells was identified with the Agency's monitoring point designation.

5. Item 21: "The name and address of any new marketer and/or burner of fuels blended at this facility (including specification oils, off-specification oils and hazardous waste fuels) shall be submitted to the Agency prior to shipping the fuel off site to the new marketer/burner, along with documentation that each marketer and/or burner of hazardous waste fuels or off-specification used oil fuels has so notified USEPA and has received a USEPA Identification Number."

Apparent Violation: CBO did not have documentation that Enviropur, which receives off-specification used oil fuel from CBO, has notified USEPA of its used oil handling activities.

6. Item 32: "All tanks, lines, pumps and appurtenances must have an ongoing internal corrosion protection system (e.g., coating or cathodic protection)."

Apparent Violation: The required internal corrosion protection system has not been provided as specified in this permit condition.

7. Item 33: "All tanks, lines, pumps and appurtenances must have an ongoing external corrosion protection system (e.g., coating or cathodic protection)."

Apparent Violation: The required corrosion protection system has not been provided as specified in this permit condition.

8. Item 34: "The Permittee shall obtain and keep a copy of the written assessment of each existing tank system's integrity on file at the facility. The assessment shall be certified by an independent, qualified Illinois registered professional engineer."

Apparent Violation: CBO did not have a copy of the written integrity assessment for each existing tank on file at the time of this inspection.

9. Item 35: "Annual thickness testing and a through initial internal tank inspection in accordance with API Publication, Guide for Inspection of Equipment; Chapter VIII, 'Atmospheric and low-pressure storage tanks' must be conducted on each tank prior to December 31, 1994. An independent registered professional engineer must certify the results of the internal inspection... An internal inspection must be conducted annually in accordance with condition number 36 when the life expectancy of a tank is calculated to be less than five years or annual thickness testing indicates a corrosion rate greater than 5 mil/yr."

Apparent Violation: CBO has not conducted annual thickness testing or an initial internal tank inspection for each tank as specified in this permit condition.

10. Item 36: "The Permittee shall inspect all tanks every five years to assess their condition. This inspection shall include the following procedures:

- a. An interior visual inspection and thickness testing shall be included in the inspection. During this inspection, the interior surface shall be inspected for indentations,

cracks, corrosion, weld breaks, aging and thin areas. Corrective action, as specified by the manufacturer of these tanks or an independent Illinois registered professional engineer, shall be taken if the internal inspection indicates that the interior surface of a tank system has been detrimentally affected by the wastes which have been stored in it,...

- c. A leak test or other integrity assessment as approved by the Agency shall be conducted annually on all ancillary equipment which cannot be inspected daily.
- d. The inspection of each tank system shall be certified by a qualified, independent Illinois registered professional engineer...
- f. The inspection procedures and results of the inspection shall be submitted to the Agency's BOL within sixty (60) days of the inspection date and shall also be included in the operating record of this facility.
- g. Appropriate action shall be taken if excessive corrosion or deterioration of a tank is observed.
- h. All permitted waste storage and waste treatment tanks must be inspected in accordance with the following compliance schedule:
 - 1. All existing tanks must be inspected by December 31, 1994 and every five years thereafter..."

Apparent Violation: CBO has not conducted the required interior visual inspection and thickness testing for each tank system. In addition, a leak test has not been conducted on all ancillary equipment which cannot be inspected daily.

The following is a list of apparent violations of Part 739: Standards for the Management of Used Oil:

1. 739.152(b) - CBO has not developed a contingency plan in accordance with this section. Specifically, the plan lacks a description of the arrangements made with local emergency authorities; a list of all emergency equipment at the facility including its location; and an evacuation plan. In addition, a copy of the contingency plan has not been submitted to the local emergency authorities.
2. 739.154(d) - The floor of the secondary containment systems for the tanks consists of gravel over clay which is not impervious to used oil.
3. 739.154(f) - The above ground tanks and fill pipes used for underground tanks have not been labeled with the words "Used Oil".
4. 739.155 - The facility's written waste analysis plan could not be located at the time of the inspection.
5. 739.156(c) - The operating record for incoming used oil was not completed and maintained from October 1995 through December 1995.
6. 739.174(b) - The operating record for outgoing shipments of oil fuel does not include a cross reference to used oil analyses verifying qualification as specification oil fuel.

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ILD 069503944

CHICAGO LINE 312/821-4747
PEOTONE LINE 708/258-6881
P.O. BOX 1041
PEOTONE, IL 60468

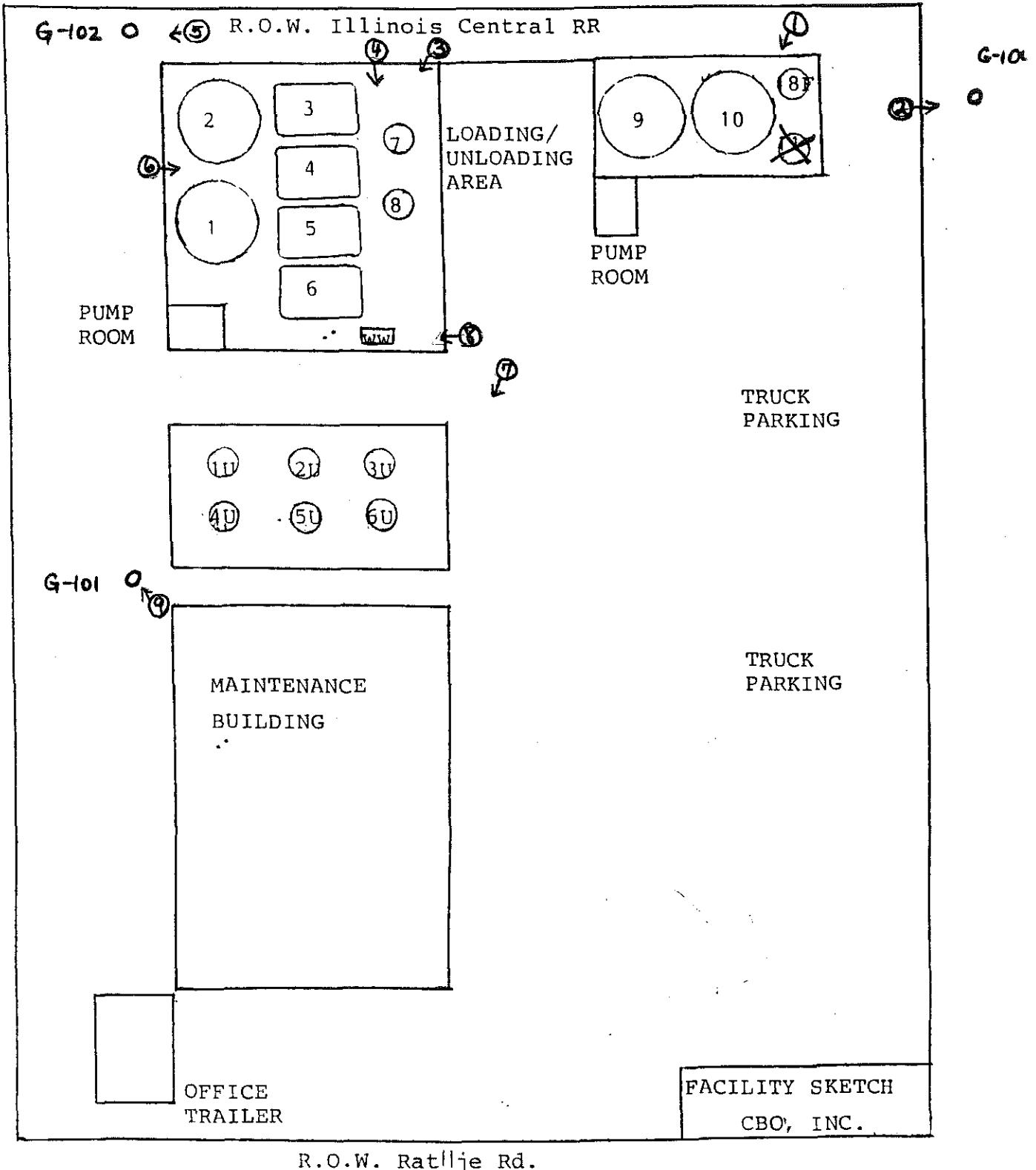


Quality Blended Fuel Oils

○ G-103



ATTACHMENT A



R.O.W. Ratliffe Rd.

NOT TO SCALE

Regulation	RCRA USED OIL INSPECTION CHECKLIST (PART 739)	Violation
	Part 739: Standards for the Management of Used Oil Subpart B: Applicability Note: Used oil not exceeding any specification level of Section 739.111 is subject only to Sections 739.172, 739.173 and 739.174(b). Section 739.112: Prohibitions N/A	
739.112(a)	a) Is used oil being managed only in a surface impoundment or waste pile that is regulated under Parts 724 or 725? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	739.112(a)
739.112(b)	b) Is used oil being used as a dust suppressant? Yes _____ No <input checked="" type="checkbox"/> N/A _____	739.112(b)
739.112(c)	c) Is off-spec oil fuel burned for energy recovery in only industrial furnaces identified in Section 720.111, utility boilers, or used oil fired space heaters that meet the provisions of Section 739.123? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	739.112(c)
	Subpart C: Standards for Used Oil Generators N/A Section 739.121: Hazardous Waste Mixing	
739.121(a)	Is the generator mixing hazardous waste with used oil only as provided in Section 739.110(b)(2)(B) and (C)? Yes _____ No _____ N/A _____	739.121(a)
739.121(b)	If "Yes", is the generator of a used oil containing greater than 1000 ppm total halogens managing the used oil as a hazardous waste unless the presumption is rebutted (i.e. analytical data is available)? Yes _____ No _____ N/A _____	739.121(b)
	Section 739.122: Used Oil Storage	
739.122(a)	Does the generator only store used oil in tanks, containers, or units subject to regulation under Parts 724 or 725? Yes _____ No _____ N/A _____	739.122(a)
739.122(b)	Are containers and aboveground tanks used by a generator (to store used oil) in good condition with no visible leaks? Yes _____ No _____ N/A _____	739.122(b)
739.122(c)	Are containers, aboveground tanks, and fill pipes used for underground tanks labelled or marked "Used Oil"? Yes _____ No _____ N/A _____	739.122(c)
739.122(d)	Has the generator, upon detection of a release of used oil, done the following: 1) stopped the release; and 2) contained the release; and 3) cleaned up and managed the used oil and other materials; and 4) repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes _____ No _____ N/A _____	739.122(d)
	Section 739.123: On-Site Burning in Space Heaters	
739.123(a)	Is the generator burning used oil in used oil fired space heaters only when: 1) the heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourselfers (DIY) generators; and 2) the heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and 3) the combustion gases from the heater are vented to the ambient air? Yes _____ No _____ N/A _____	739.123(a)
	Section 739.124: Off-Site Shipments	
739.124	Has the generator ensured that the used oil is hauled only by transporters that have obtained a USEPA ID # and an IEPA special waste ID # pursuant to Part 809, unless the generator qualifies for an exemption pursuant to Part 739 (self transportation to aggregate points owned by the generator or tolling agreements)? Yes _____ No _____ N/A _____	739.124
	(Used Oil - 1)	

Regulation	RCRA USED OIL INSPECTION CHECKLIST (PART 739)	Violation
	Subpart D: Standards for Used Oil Collection Centers <i>N/A</i>	
	Section 739.130: Do-It-Yourself (DIY) Used Oil Collection Centers	
739.130(b)	Does the DIY collection center comply with the generator standards in Subpart C of Part 739? Yes _____ No _____ N/A _____	739.130(b)
	Section 739.131: Used Oil Collection Centers	
739.131(b)	Is the used oil collection center in compliance with the generator standards in Subpart C of Part 739 and registered by the Agency to manage used oil? Yes _____ No _____ N/A _____	739.131(b)
	Section 739.132: Used Oil Aggregation Points Owned by the Generator	
739.132(b)	Does the owner/operator of a used oil aggregation point comply with all standards in Subpart C of Part 739? Yes _____ No _____ N/A _____	739.132(b)
	Subpart E: Standards for Used Oil Transporter and Transfer Facilities	
	Section 739.141: Restrictions on transporters who are not also processors <i>TRANSPORTER IS A PROCESSOR</i>	
739.141(a)	Has the used oil transporter who processes used oil complied with the requirements for processors in Subpart F [except as provided in subsection 739.141(b)]? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	739.141(a)
	Note: Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation.	
739.141(b)	Has the transporter who conducts incidental processing operations that occur in the normal course of transportation (e.g. settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products, complied with the processor requirements in Subpart F? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	739.141(b)
	Section 739.142: Notification	
739.142(a)	Has the used oil transporter complied with the notification requirements of RCRA Section 3010 and obtained an IEPA special waste ID #? Yes <input checked="" type="checkbox"/> No _____ N/A _____	739.142(a)
	Section 739.143: Used Oil Transportation	
739.143(a)	Has the used oil transporter delivered all used oil to: 1) another used oil transporter that has a USEPA ID # and an IEPA special waste ID #; or 2) a used oil processing facility that has a USEPA ID # and an IEPA special waste ID #; or 3) an off-spec used oil burning facility that has a USEPA ID # and an IEPA special waste ID #; or 4) an on-spec used oil burning facility? Yes <input checked="" type="checkbox"/> No _____ N/A _____	739.143(a)
739.143(b)	Has the used oil transporter complied with all applicable packaging and labelling, as well as applicable hazardous material regulations of the USDOT regulations of 49 CFR Parts 171 through 180? Yes <input checked="" type="checkbox"/> No _____ N/A _____	739.143(b)
739.143(c)	Has the used oil transporter who has a discharge of used oil taken appropriate actions as outlined in Part 739? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	739.143(c)
	Section 739.144: Rebuttable Presumption	
739.144(a)	Has the used oil transporter determined whether the total halogen content of the used oil being transported or stored at a transfer facility is above or below 1000 ppm? Yes <input checked="" type="checkbox"/> No _____ N/A _____	739.144(a)
739.144(d)	Has the used oil transporter retained all records of analysis and information used to comply with this Section for at least 3 years? Yes <input checked="" type="checkbox"/> No _____ N/A _____	739.144(d)

Regulation	RCRA USED OIL INSPECTION CHECKLIST (PART 739)	Violation
739.145	<p>Section 739.145: Used Oil Storage at Transfer Stations <i>FACILITY IS A PROCESSOR (SEE SUBPART F)</i></p> <p>Has the owner/operator of a used oil transfer facility:</p> <p>b) only stored used oil in tanks, containers, or units subject to regulation under Parts 724 or 725? Yes _____ No _____ N/A _____</p> <p>c) only stored used oil in containers and aboveground tanks that are in good condition, with no visible leaks? Yes _____ No _____ N/A _____</p> <p>d) provided for secondary containment for containers as required by this Subsection? Yes _____ No _____ N/A _____</p> <p>e) provided for secondary containment for existing aboveground tanks as required by this Subsection? Yes _____ No _____ N/A _____</p> <p>f) provided for secondary containment for new aboveground tanks as required by this Subsection? Yes _____ No _____ N/A _____</p> <p>g) labelled all containers, aboveground tanks, and fill pipes used for underground tanks with the words "Used Oil"? Yes _____ No _____ N/A _____</p> <p>h) upon detection of a release of used oil, done the following: 1) stopped the release; and 2) contained the release; and 3) cleaned up and managed the used oil and other material; and 4) repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes _____ No _____ N/A _____</p>	739.145
739.146(a)	<p>Section 739.146: Tracking</p> <p>Has the used oil transporter kept a record of each used oil shipment that includes:</p> <p>1) the name and address of the generator, transportor, or processor (GTP) who provided the used oil for transport; and</p> <p>2) the USEPA ID # and IEPA special waste ID # of the GTP that provided the used oil; and</p> <p>3) the quantity of used oil accepted; and</p> <p>4) the date accepted; and</p> <p>5) the signature of a representative of the GTP that provided the used oil? Yes <input checked="" type="checkbox"/> No _____ N/A _____</p>	739.146(a)
739.146(b)	<p>Has the used oil transporter kept a record of each shipment of used oil that is delivered to another used oil transporter, burner, processor, or disposal facility that includes: <i>USED OIL FUELS</i></p> <p>1) the name and address of the receiving facility or transporter; and <i>ARE SHIPPED TO OFF-SITE</i></p> <p>2) the USEPA ID # and IEPA special waste ID # of the receiving facility or transporter; and <i>SITE</i></p> <p>3) the quantity of used oil delivered; and <i>FACILITIES</i></p> <p>4) the date of delivery; and</p> <p>5) the signature of a representative of the receiving facility or transporter? Yes _____ No _____ N/A <input checked="" type="checkbox"/></p>	739.146(b)
739.146(c)	<p>Has the used oil transporter who exports used oil to a foreign country complied with this subsection? Yes _____ No _____ N/A <input checked="" type="checkbox"/></p>	739.146(c)
739.146(d)	<p>Has the used oil transporter retained all records required under this Section for at least 3 years? Yes <input checked="" type="checkbox"/> No _____ N/A _____</p>	739.146(d)
739.147	<p>Section 739.147: Management of Residues</p> <p>Does the used oil transporter who generates residues from the storage or transportation of used oil manage the residues as specified in Section 739.110? Yes <input checked="" type="checkbox"/> No _____ N/A _____</p>	739.147

Regulation	RCRA USED OIL INSPECTION CHECKLIST (PART 739)	Violation
	Subpart F: Standards for Used Oil Processors	
	Section 739.151: Notification	
739.151	Has the used oil processor obtained a USEPA ID# and an IEPA special waste ID#? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	739.151
	Section 739.152: General Facility Standards	
739.152(a)	Has the owner/operator of a used oil processor and refiner: 1) maintained and operated the facility to minimize the possibility of fire, explosion, or release of used oil; and 2) ensured that he is equipped with the equipment required in this Subsection; and 3) tested and maintained equipment as required; and 4) maintained access to communication or alarm system(s); and 5) maintained the required aisle space; and 6) maintained arrangements with local authorities? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	739.152(a)
739.152(b)	Has the owner/operator of a used oil processing and refining facility complied with the following requirements: 1) developed a contingency plan; and 2) ensured that the contingency plan complies with the requirements of this Section; and 3) maintained and submitted to all local authorities copies of the contingency plan and all revisions; and 4) amended the contingency plan as applicable to this Subsection; and 5) ensured that an emergency coordinator is on the premises or on call at all times to meet the requirements of this Subsection; and 6) ensured that emergency procedures meet the requirements of this Subsection? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	<input checked="" type="checkbox"/> 739.152(b)
	Section 739.153: Rebuttable Presumption	
739.153	Has the used oil processor determined whether the total halogen content of the used oil being transported or stored at a transfer facility is above or below 1000 ppm? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	739.153
	Section 739.154: Used Oil Management	
	Has the owner/operator of a used oil processor:	
739.154(a)	a) only stored used oil in tanks, containers, or units subject to regulation under Parts 724 or 725? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	739.154(a)
739.154(b)	b) stored used oil at a transfer facility only in containers and aboveground tanks that are in good condition with no visible leaks? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	739.154(b)
739.154(c)	c) provided secondary containment for containers as required by this Subsection? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	739.154(c)
739.154(d)	d) provided secondary containment for existing aboveground tanks as required by this Subsection? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	<input checked="" type="checkbox"/> 739.154(d)
739.154(e)	e) provided secondary containment for new aboveground tanks as required by this Subsection? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	739.154(e)
739.154(f)	f) labelled or marked containers, aboveground tanks, and fill pipes used for underground tanks with the words "Used Oil"? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 739.154(f)
739.154(g)	g) done the following upon detection of a release of used oil: 1) stopped the release; and 2) contained the release; and 3) cleaned up and managed the used oil and other materials; and 4) repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	739.154(g)

Regulation	RCRA USED OIL INSPECTION CHECKLIST (PART 739)	Violation
739.154(h)	h) closed aboveground tanks and containers in accordance with this Section? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	739.154(h)
739.155	Section 739.155: Analysis Plan Has the owner/operator of a used oil processing and re-refining facility developed, kept on-site, and followed a written waste analysis plan describing the procedures that will be used to comply with the rebuttable presumption and on-spec Sections of this Part? Yes _____ No <input checked="" type="checkbox"/> N/A _____	<input checked="" type="checkbox"/> 739.155
739.156	Section 739.156: Tracking Has the used oil processor kept a record of each used oil shipment accepted for processing (i.e. invoice, manifest, bill of lading, or other) that includes: 1) the name and address of the transporter who delivered the used oil to the processor; and 2) the name and address of the generator or processor from whom the used oil was sent for processing; and 3) the IEPA special waste ID # of the transporter who delivered the used oil to the processor; and 4) the IEPA special waste ID #, if applicable, of the generator or processor from whom the used oil was sent for processing; and 5) the quantity of used oil shipped; and 6) the date of shipment? Yes <input checked="" type="checkbox"/> No _____ N/A _____	739.156
739.156(b)	Has the used oil processor kept a record of each shipment of used oil that is delivered to a burner, processor, or disposal facility that includes: 1) the name and address of the transporter who delivers the used oil to the burner, processor or disposal facility; and 2) the name and address of the burner, processor, or disposal facility who will receive the used oil; and 3) the IEPA special waste ID # of the transporter who delivers the used oil to the burner, processor, or disposal facility; and 4) the IEPA special waste ID # of the burner, processor, or disposal facility who will receive the used oil; and 5) the quantity of used oil shipped; and 6) the date of shipment? Yes <input checked="" type="checkbox"/> No _____ N/A _____	739.156(b)
739.156(c)	Have the records described in this Section been maintained for at least 3 years? Yes _____ No <input checked="" type="checkbox"/> N/A _____	<input checked="" type="checkbox"/> 739.156(c)
739.157(a)	Section 739.157: Operating Record and Reporting Has the owner/operator kept a written operating record at the facility that contains the following: - records and results of oil analyses performed as described in the analysis plan required under Section 739.155? Yes <input checked="" type="checkbox"/> No _____ N/A _____ - summary reports and details of all incidents that require implementation of the contingency plan as specified in Section 739.152(b)? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	739.157(a)
739.157(b)	Has the used oil processor reported to the Agency in the form of a letter, on a biennial basis by March 1, the following information: 1) the IEPA special waste ID #, name and address of the processor; and 2) the calendar year covered by the report; and 3) the quantities of used oil accepted for processing and the manner in which the used oil is processed, including the specific processes employed; and 4) the USEPA ID #? Yes <input checked="" type="checkbox"/> No _____ N/A _____ <div style="text-align: right;">ANNUAL REPORT SUBMITTED</div>	739.157(b)

Regulation	RCRA USED OIL INSPECTION CHECKLIST (PART 739)	Violation
739.158	Section 739.158: Off-Site Shipments of Used Oil Has the used oil processor who initiates a shipment of used oil off-site used a used oil transporter that has a USEPA ID # and an IEPA special waste ID #? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	739.158
739.159	Section 739.159: Management of Residue Does the used oil processor who generates residues from the storage, processing, or re-refining of used oil manage the residues as specified in Section 739.110(e)? Yes <input checked="" type="checkbox"/> No _____ N/A _____	739.159
739.161	Subpart G: Standards for Used Oil Burners Who Burn Off-Spec Used Oil for Energy Recovery <i>N/A</i> Section 739.161: Restriction on Burning Is off-spec oil fuel burned for energy recovery only in industrial furnaces identified in Section 720.111, utility boilers, used oil fired space heaters that meet the provisions of Section 739.123, or hazardous waste incinerators? Yes _____ No _____ N/A _____	739.161
739.162	Section 739.162: Notification Has the used oil burner complied with the notification requirements of RCRA Section 3010 and obtained an IEPA special waste ID #? Yes _____ No _____ N/A _____	739.162
739.163(a)	Section 739.163: Rebuttable Presumption for Used Oil Has the used oil burner determined whether the total halogen content of the used oil being transported or stored at a transfer facility is above or below 1000 ppm? Yes _____ No _____ N/A _____	739.163(a)
739.163(d)	Has the used oil burner retained all records of analyses and information used to comply with this Section for at least 3 years? Yes _____ No _____ N/A _____	739.163(d)
739.164(a)	Section 739.164: Used Oil Storage Has the owner/operator of a used oil burning facility: a) only stored used oil in tanks, containers, or units subject to regulation under Parts 724 or 725? Yes _____ No _____ N/A _____	739.164(a)
739.164(b)	b) used only containers and aboveground tanks that are in good condition, with no visible leaks, to store used oil? Yes _____ No _____ N/A _____	739.164(b)
739.164(c)	c) provided secondary containment for containers as required by this Subsection? Yes _____ No _____ N/A _____	739.164(c)
739.164(d)	d) provided secondary containment for existing aboveground tanks as required by this Subsection? Yes _____ No _____ N/A _____	739.164(d)
739.164(e)	e) provided secondary containment for new aboveground tanks as required by this Subsection? Yes _____ No _____ N/A _____	739.164(e)
739.164(f)	f) labelled or marked all containers, aboveground tanks, and fill pipes used for underground tanks with the words "Used Oil"? Yes _____ No _____ N/A _____	739.164(f)
739.164(g)	g) upon detection of a release of used oil, done the following: 1) stopped the release; and 2) contained the release; and 3) cleaned up and managed the used oil and other materials; and 4) repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes _____ No _____ N/A _____	739.164(g)

Regulation	RCRA USED OIL INSPECTION CHECKLIST (PART 739)	Violation
	Section 739.165: Tracking	
739.165(a)	Has the used oil burner kept a record of each used oil shipment accepted for burning (i.e. log, invoice, manifest, bill of lading or other) that includes: 1) the name and address of the transporter who delivered the used oil to the burner; and 2) the name and address of the generator or processor from whom the used oil was sent to the burner; and 3) the IEPA special waste ID # of the transporter who delivered the used oil to the burner; and 4) the IEPA special waste ID #, if applicable, of the generator or processor from whom the used oil was sent to the burner; and 5) the quantity of used oil accepted; and 6) the date of acceptance? Yes _____ No _____ N/A _____	739.165(a)
739.165(b)	Have the records described in this Section been maintained on-site for at least 3 years? Yes _____ No _____ N/A _____	739.165(b)
	Section 739.166: Notice	
739.166(a)	Prior to accepting the first shipment of off-spec used oil fuel, has the used oil burner provided to the GTP a one-time written and signed notice certifying that: 1) the burner has notified the Agency stating the location and general description of the used oil management activities; and 2) the burner will burn used oil only in an industrial furnace or boiler identified in Section 739.161(a)? Yes _____ No _____ N/A _____	739.166(a)
739.166(b)	Has the certification been maintained for at least 3 years from the date the burner last received a shipment of used oil from the GTP? Yes _____ No _____ N/A _____	739.166(b)
	Section 739.167: Management of Residue	
739.167	Does the used oil burner who generates residues from the storage, processing, or re-refining of used oil manage the residues as specified in Section 739.110(e)? Yes _____ No _____ N/A _____	739.167
	Subpart H: Standards for Used Oil Fuel Marketers	
	<i>NO SHIPMENTS OF OFF-SPEC FUEL TO BURNERS</i>	
739.171	Section 739.171: Prohibitions Has the used oil fuel marketer initiated a shipment of off-spec used oil only to a used oil burner that has a USEPA ID # and an IEPA special waste ID # and burns the used oil in an industrial furnace or boiler as specified in Section 739.161(a)? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	739.171
	Section 739.172: On-Spec Used Oil Fuel	
739.172(b)	Has the GTP or burner who claims that the used oil meets the specification for used oil fuel under this Part, kept copies of analyses or other information for at least 3 years? Yes <input checked="" type="checkbox"/> No _____ N/A _____	739.172(b)
	Section 739.173: Notification	
739.173(a)	Has the used oil marketer complied with the notification requirements of RCRA Section 3010 and obtained an IEPA special waste ID #? Yes <input checked="" type="checkbox"/> No _____ N/A _____	739.173(a)
	Section 739.174: Tracking	
739.174(a)	<i>FACILITY IS NOT A BURNER</i> Has the used oil generator kept a record of each used oil shipment accepted for burning (i.e. log, invoice, manifest, bill of lading, or other) that includes: 1) the name and address of the transporter who delivered the used oil to the burner; and 2) the name and address of the burner who will receive the used oil; and 3) the IEPA special waste ID # of the transporter who delivered the used oil to the burner; and 4) the IEPA special waste ID # of the burner; and	739.174(a)

Regulation	RCRA USED OIL INSPECTION CHECKLIST (PART 739)	Violation
	5) the quantity of used oil shipped; and 6) the date of acceptance? <div style="text-align: right;">Yes _____ No _____ N/A <input checked="" type="checkbox"/></div>	
739.174(b)	Has the GTP or burner who claims that the used oil meets the fuel specification under Section 739.111 kept a record of each shipment of used oil to an on-spec used oil burner that includes the following: 1) the name and address of the facility receiving the shipment; and 2) the quantity of used oil fuel delivered; and 3) the date of shipment or delivery; and 4) a cross-reference to the record of used oil analyses or other information used to make the determination that the oil meets the specifications as required under Section 739.172(a)? <div style="text-align: right;">Yes _____ No <input checked="" type="checkbox"/> N/A _____</div>	<input checked="" type="checkbox"/> 739.174(b)
739.174(c)	Have the records described in this Section been maintained on-site for at least 3 years? <div style="text-align: right;">Yes <input checked="" type="checkbox"/> No _____ N/A _____</div>	739.174(c)
739.175(a)	Section 739.175: Notices NO SHIPMENTS OF OFF-SPEC OIL TO BURNERS Before a used oil GTP directs the first shipment of off-spec used oil to a burner, has the generator obtained a one-time written and signed notice from the burner certifying that: 1) the burner has notified the Agency stating the location and general description of used oil management activities; and 2) the burner will burn the off-spec used oil only in an industrial furnace or boiler identified in Section 739.161(a)? <div style="text-align: right;">Yes _____ No _____ N/A <input checked="" type="checkbox"/></div>	739.175(a)
	COMMENTS:	

(Used Oil - 8)

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IN DATE

Statement Date: SEP 30 1995
RATING CHANGE

DUNS: 18-185-6501
CUSTOM BLENDED OILS, INC.

DATE PRINTED
NOV 15 1996

WHOL WASTE OIL
SIC NO.
50 93

31755 S RATHJE RD
AND BRANCH(ES) OR DIVISION(S)
PEOTONE IL 60468
TEL: 708 258-6881

SUMMARY
RATING 3A4
FORMERLY
--
STARTED 1968
SALES F \$1,148,313
WORTH F \$1,104,461
EMPLOYS 18(13 HERE)
HISTORY CLEAR
FINANCING SECURED
FINANCIAL
CONDITION GOOD

CHIEF EXECUTIVE: ERNEST WINKLE, PRES

* * * SUMMARY ANALYSIS * * *

The Summary Analysis section reflects information in D&B's file as of
November 11, 1996.

RATING SUMMARY

The Rating was changed on July 3, 1996 because the History of the
company is now "Clear". The "3A" portion of the Rating (the Rating
Classification) indicates that the company has a worth from \$1 million
to \$10 million. The "4" on the right (Composite Credit Appraisal)
indicates an overall "limited" credit appraisal. This credit appraisal
was assigned because the payment information in D&B's file indicates
that this company has been slow in meeting trade obligations. However,
D&B's assessment of the company's September 30, 1995, fiscal financial
statement is "good".

Below is an overview of the company's D&B Rating(s) since 01/01/91:

RATING	DATE APPLIED
3A4	07/03/96
--	07/12/94
CC3	04/05/94
CC4	01/29/94
CC3	11/25/93
--	07/07/92
BB2	01/08/92
BB3	05/22/91
BB2	03/06/91
CB3	01/01/91

* * * PAYMENT SUMMARY * * *

The Payment Summary section reflects payment information in D&B's file as of

the date of this report.

The PAYDEX for this company is 35.

This PAYDEX score indicates that payments to suppliers average 75 days beyond terms, weighted by dollar amounts. When dollar amounts are not considered, approximately 47% of the company's payments are within terms.

Below is an overview of the company's dollar-weighted payments, segmented by its suppliers' primary industries:

	TOTAL RCV'D	TOTAL DOLLAR AMOUNTS	LARGEST HIGH CREDIT	% W/IN TERMS	DAYS SLOW			
					<31	31-60	61-90	
91+	-----	-----	-----	-----	-----	-----	-----	-----
---	#	\$	\$	%	%	%	%	%
Total in D&B's file	16	43,150	15,000					
Top 10 Industries:								
1 Petroleum refining	1	15,000	15,000	-	-	-	50	
50								
2 Petroleum terminal	1	15,000	15,000	50	-	-	50	
-								
3 Mfg analytic instrmnt	1	7,500	7,500	-	-	-	-	
100								
4 Mfg medical instrmnt	1	2,500	2,500	-	50	50	-	
-								
5 Whol electrical equip	1	1,000	1,000	-	100	-	-	
-								
6 Whol chemicals	1	500	500	100	-	-	-	
-								
7 Mfg industrial gases	1	250	250	50	-	50	-	
-								
8 Help supply service	1	250	250	100	-	-	-	
-								
9 Telephone communictns	1	250	250	50	50	-	-	
-								
10 Air courier service	1	250	250	100	-	-	-	
-								
11 OTHER INDUSTRIES	3	250	100	60	20	-	20	
-								

Other Payment Categories:

Cash experiences	0	0	0
Payment record unknown	2	150	100
Unfavorable comments	1	250	250
Placed for collection			
with D&B	0	0	
other	0	N/A	

The highest "Now Owes" on file is \$500

The highest "Past Due" on file is \$500

The aggregate dollar amount of the 16 payment experiences in D&B's file equals 45.1% of this company's average monthly sales. In Dun & Bradstreet's opinion,

payment experiences exceeding 10% of a company's average monthly sales can be considered representative of payment performance.

=====

PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)

Antic - Anticipated (Payments received prior to date of invoice)
 Disc - Discounted (Payments received within trade discount period)
 Ppt - Prompt (Payments received within terms granted)

REPORTED SALE	PAYING RECORD	HIGH CREDIT	NOW OWES	PAST DUE	SELLING TERMS	LAST WITHIN
10/96	Slow 15-45	2500	500	250	N30	1 Mo
	Slow 30-90	100	100	100	1 10 N30	1 Mo
	(003)	250	-0-	-0-		6-12 Mos
	Unsatisfactory.					
09/96	Ppt	500	-0-	-0-		2-3 Mos
	Ppt	250	-0-	-0-		1 Mo
	Ppt-Slow 80	15000	-0-	-0-	N10	6-12 Mos
	Slow 20	1000	-0-	-0-	N30	6-12 Mos
08/96	Ppt	250	100	-0-	N15	1 Mo
	Ppt	100	50	-0-	N30	1 Mo
	Ppt-Slow 30	250	100	50		1 Mo
	Ppt-Slow 60	250	250	250	N30	1 Mo
06/96	Ppt	50	50	-0-	N30	1 Mo
04/96	Slow 180	7500	500	500	N30	
	(014)	100	-0-	-0-	N30	6-12 Mos
	(015)	50	50	-0-		
03/96	Slow 90-120	15000	-0-	-0-		6-12 Mos

* Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

* Each experience shown represents a separate account reported by

a

supplier. Updated trade experiences replace those previously reported.

=====

FINANCE

07/02/96

	Fiscal Sep 30 1992	Fiscal Sep 30 1994	Fiscal Sep 30 1995
Curr Assets	174,981	154,455	512,743
Curr Liabs	80,579	239,218	124,152
Current Ratio	2.17	.645	4.12
Working Capital	94,402	(84,763)	388,591
Other Assets	102,489	111,248	735,341
Lt Liabs	113,779	27,772	19,471
Worth	83,112	(1,287)	1,104,461
Sales	1,163,476	1,194,473	1,148,313
Net Profit (Loss)	77,598	198	(82,496)

Fiscal statement dated SEP 30 1995:

Cash \$ 308,782 Accts Pay \$

89,911

Accts Rec 168,222 Taxes

2,862

31,379	Inventory	25,450	L.T. Liab-(1yr)
	Employee Loans	2,423	
	Refundable		
	Income Taxes	4,563	
	Prepaid	3,303	

124,152	Curr Assets	512,743	Curr Liabs
19,471	Fixt & Equip	598,083	Long Term Debt
1,149,040	Deposits	116,480	PREFERRED STOCK
2,000	Deferred Income		COMMON STOCK
(46,579)	Taxes	20,778	RETAINED EARNINGS

1,248,084	Total Assets	1,248,084	Total

From OCT 01 1994 to SEP 30 1995 sales \$1,148,313; cost of goods sold \$261,171. Gross profit \$887,142; operating expenses \$946,796. Operating income \$(59,654); other expenses \$22,842. (net loss) \$82,496.

Submitted NOV 17 1995 by Dan Haduch, spokesperson. Extent of audit, if any, not indicated.

--0--

Fixed assets shown net less \$380,615 depreciation.

Statement item explanations were not provided.

On July 2 1996 management was unavailable for an interview.

PUBLIC FILINGS

The following data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.

* * * UCC FILING(S) * * *

COLLATERAL: All Inventory including proceeds and products - All Account(s) including proceeds and products - All Fixtures including proceeds and products - All General intangibles(s) including proceeds and products - and OTHERS

FILING NO: 003475290

DATE FILED:

11/30/1995

TYPE: Original

LATEST INFO RECEIVED:

12/04/1995

SEC. PARTY: FIRST NATIONAL BANK, CHICAGO HEIGHTS, IL

FILED WITH: SECRETARY OF STATE/UCC DIVISION, IL

DEBTOR: CUSTOM BLENDED OILS INC

COLLATERAL: Equipment

FILING NO: 2038349 DATE FILED:
02/28/1996
TYPE: Original LATEST INFO RECEIVED:
05/17/1996
SEC. PARTY: RICHLUND & ASSOCIATES, INC., ST. FILED WITH: SECRETARY OF
CHARLES, MO STATE/UCC DIVISION,
ASSIGNEE: AMCORE CONSUMER FINANCE INC., IN
LOVES PARK, IL
DEBTOR: CUSTOM BLENDED OILS INC.,
GREENFIELD, IN

-
COLLATERAL: Leased Equipment including proceeds and products
FILING NO: 003537498 DATE FILED:
05/03/1996
TYPE: Original LATEST INFO RECEIVED:
05/06/1996
SEC. PARTY: NBD EQUIPMENT FINANCE INC, FILED WITH: SECRETARY OF
INDIANAPOLIS, IN STATE/UCC DIVISION,
DEBTOR: CUSTOM BLENDED OILS INC IL

-
COLLATERAL: Leased Equipment including proceeds and products
FILING NO: 2048360 DATE FILED:
04/24/1996
TYPE: Original LATEST INFO RECEIVED:
06/04/1996
SEC. PARTY: NBD EQUIPMENT FINANCE, INC. FILED WITH: SECRETARY OF
F/K/A NBD LEASING, INC., STATE/UCC DIVISION,
INDIANAPOLIS, IN IN
DEBTOR: CUSTOM BLENDED OIL, INC,
GREENFIELD, IN

-
COLLATERAL: Leased Computer equipment
FILING NO: 003489425 DATE FILED:
01/05/1996
TYPE: Original LATEST INFO RECEIVED:
01/08/1996
SEC. PARTY: SANWA LEASING CORP, TROY, MI FILED WITH: SECRETARY OF
DEBTOR: CUSTOM BLENDED OILS INC STATE/UCC DIVISION,
IL

-
The public record items contained in this report may have been
paid, terminated, vacated or released prior to the date this
report was printed.

HISTORY
07/02/96

PAUL BULLOCK, CEO
ANGELA BULLOCK, V PRES-SEC
DIRECTOR(S): THE OFFICER(S)

ERNEST WINKLE, PRES
LORAIN WINKLE, V PRES-TREAS

OF STATE OR OTHER OFFICIAL SOURCE AS OF 10/08/1996:

BUSINESS TYPE: Corporation -
Profit

DATE INCORPORATED: 06/03/1982
STATE OF INCORP: Illinois

AUTH SHARES-COMMON: 10,000,000
PAR VALUE-COMMON: \$10.0000
COMMON STOCK ISSUED: 0

AUTH SHARES-PREF: 200,000

Business started 1968 by Ernest and Loraine Winkle. 100% of capital stock is owned by Ernest & Loraine Winkle.

Ernest Winkle retired in 1989.

PAUL BULLOCK born 1961. Holds Masters Degree in Business Administration. 1995-present active here.

active ERNEST WINKLE born 1926. Previously retired, 1995-present here.

ANGELA BULLOCK born 1961. Holds Bachelor Degree in Petroleum Technology. 1995-present active here.

LORAIN WINKLE born 1930. 1951-67 a homemaker. 1968-present active here. 1988-94 principal in Custom Cleaning Systems Inc, Peotone, IL. Merged with this company in 1994.

OPERATION

07/02/96

Wholesales reprocessed waste oil (100%).

ADDITIONAL TELEPHONE NUMBER(S): Facsimile (Fax) 708 258-9283.

Terms are net 15 days. Has 15 account(s). Sells to industrial concerns. Territory : Regional.
Season peaks summer.

EMPLOYEES: 18 which includes officer(s) and 1 part-time. 13 employed here. Employees do not fluctuate due to seasonality.

FACILITIES: Rents 3,750 sq. ft. in a one story steel building. Located on 5 acres of land.

LOCATION: Rural section on main street.

BRANCHES: The company has a branch location at 804 W Osage St, Greenfield, IN with similar operations.

11-15(998 /998) 00000 002 002 H

BANK: Ridgeview Bank & Trust, 800 University Parkway, University Park, IL

FULL DISPLAY COMPLETE

OWNER**OPERATOR**

Name	LORENE WINKLE	Name	CUSTOM CLEANING SYSTEMS / INC.
Address	P.O. Box 1041	Address	31755 SOUTH RATHJE ROAD - B
City	PEOTONE	City	PEOTONE
State	ILLINOIS	State	ILLINOIS
Zip	60468	Zip	60468
Phone #	(708) 258-6881	Phone #	(708) 258-6881

PERSON(S) INTERVIEWED**TITLE****PHONE #**

DANIEL HADUCH	ENVIRONMENTAL COORDINATOR	(708) 258-6881
KIM HADUCH		(708) 258-6881

INSPECTION PARTICIPANT(S)**AGENCY/TITLE****PHONE #**

DONNA CZECH	IEPA / EPS	(708) 531-5900

PREPARED BY**AGENCY/TITLE****PHONE #**

DONNA CZECH	IEPA / EPS	(708) 531-5900
-------------	------------	----------------

SUMMARY OF APPARENT VIOLATIONS

* denotes continuing violations

Area	Class	Section
* DCR	1	703.12(a)
* DCR	1	703.150(a)
GGR	1	722.111
* DCL	1	725.212(a)
* DFR	1	725.242(a)

Area	Class	Section

Area	Class	Section

1970750005 - Will County
Peotone/Custom Cleaning Systems Inc.
ILD984805309

Narrative

On May 18, 1993 a follow-up inspection was conducted at the subject facility. The previous inspection took place on May 14, 1990. Daniel and Kim Haduch of Custom Cleaning Systems Inc. were present during the inspection.

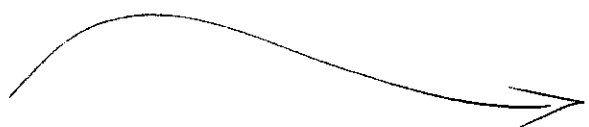
The following violations were adequately addressed:

1. 725.273(a) - At the time of the inspection there were no containers of hazardous waste on site.
2. 725.273(b) - Same as above.
3. 725.274 - The two container storage units were not currently being used for the storage of hazardous waste.

DC:dfa:2996D

Area	Class	90 Day F/U Req	Key		Requirement	In Apparent Compliance?		Not Applicable	Remarks or Comment No.
			Ltr	Sub Sec		Yes	No		
OTH	1				PART 703 RCRA PERMIT PROGRAM Subpart B: Prohibitions Section 703.121: RCRA Permits Is any person(s) conducting any hazardous waste storage, hazardous waste treatment or hazardous waste disposal operation doing so only:			CUSTOM CLEANING SYSTEMS HAS BEEN OPERATING A STORAGE FACILITY WITHOUT A RCRA PERMIT SINCE 1984. (2 SOI UNITS)	
					a	1) With a RCRA permit for the HWM facility? Yes <u> </u> No <u> ✓ </u>			
					b	2) In conformance with all conditions imposed by the RCRA permit? Yes <u> </u> No <u> N/A </u> <u> ✓ </u>			
					Do the owner and operator of hazardous waste management units have permits during the active life of the unit (including the closure period)? Yes <u> </u> No <u> N/A </u> <u> ✓ </u>			STORAGE UNITS (SOI) ARE NO LONGER ACTIVE.	
					Do the owners and operators of any hazardous waste unit which closed after January 26, 1982 have a permit during any post-closure period required under 35 Ill. Adm. Code 724.217 Post Closure Care and Use of Property and during any compliance period or any extension of that compliance period specified under 35 Ill. Adm. Code 724.196, Compliance Period? Yes <u> </u> No <u> N/A </u> <u> ✓ </u>			NO CLOSED HAZARDOUS WASTE UNITS	

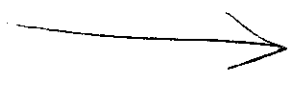
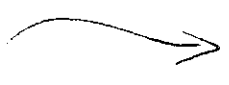
Area	Class	90 Day F/U Req	Key Ltr	Sub Sec	Requirement	In Apparent Compliance?		Not Applicable	Remarks or Comment No.
						Yes	No		
OTH	1			a	<p>PART 703 RCRA PERMIT PROGRAM Subpart C: Authorization by Rule and Interim Status</p> <p>Section 703.150: Application by Existing HWM Facilities and Interim Status Qualifications</p> <p>Has the owner or operator of an existing HWM facility or of a HWM facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit submitted Part A of the permit application to the Agency no later than the following times, whichever comes first:</p> <p>1) Six months after the date of publication of regulations which first require the owner or operator to comply with standards in 35 Ill. Adm. Code 725? Yes ___ No ___ N/A <input checked="" type="checkbox"/></p> <p>2) Thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725? Yes ___ No <input checked="" type="checkbox"/> N/A</p> <p>3) By March 27, 1987 for generators who generate more than 100, but less than 1000 kg of waste in a calendar month and treat, store, or dispose of these wastes on-site? Yes ___ No ___ N/A <input checked="" type="checkbox"/></p>	<input checked="" type="checkbox"/>		<p>RCRA ACTIVITY BEGAN APPROXIMATELY OCTOBER 1989</p> <p>FACILITY WAS STORING HAZARDOUS WASTE FROM OFF-SITE GENERATORS.</p>	

Area	Class	90 Day F/U Req	Key Ltr Sub Sec	Requirement	In Apparent Compliance?		Not Applicable	Remarks or Comment No.
					Yes	No		
OTH	1			<p>Section 703.151: Application by New HWM Facilities</p> <p>For a new HWM facility, has the facility complied with the requirements of this section? Specifically, has the facility submitted Part A and Part B of the permit application 180 days before physical construction has commenced? Yes ___ No ___</p> <p>Is the facility only operating with a RCRA permit? Yes ___ No ___</p> <p>NOTE: This violation should be cited in the CIL only after receiving approval from headquarters.</p> <p>Section 703.152: Amended Part A Application</p> <p>Has the owner or operator of a HWM facility with interim status filed an amended Part A permit application with the Agency:</p> <p>1) No later than the effective date of revised regulations under 35 Ill. Adm. Code 721, Identification and Listing of Hazardous Waste, listing or identifying additional hazardous waste which the HWM facility is handling? Yes ___ No ___ N/A ___</p> <p>2) As necessary to comply with the provisions of Section 703.155, Changes During Interim Status? Yes ___ No ___ N/A ___</p> <p>NOTE: The owner or operator of a facility who fails to comply with the updating requirements of this section does not receive interim status as to the wastes not covered by duly filed Part A applications.</p>			✓	NOT A NEW FACILITY
OTH	1						✓	<p>FACILITY NEVER HAD INTERIM STATUS</p> 

Area	Class	90 Day F/U Req	Key Ltr	Sub Sec	Requirement	In Apparent Compliance?		Not Applicable	Remarks or Comment No.	
						Yes	No			
OTH	1				Section 703.154: Prohibitions During Interim Status During interim status, has the facility refrained from:					
					a	- Treating, storing or disposing of hazardous waste not specified in Part A of the permit application? Yes ___ No ___				
					b	- Employing processes not specified in Part A of the permit application? Yes ___ No ___				
					c	- Exceeding the design capacities specified in Part A of the permit application? Yes ___ No ___				
OTH	1				Section 703.155: Changes During Interim Status NOTE: Section 703.155(a), (b) and (c) reiterate in more detail the requirement that a HWM facility submit and, in the case of (b) and (c) that the Agency approve, amendments to the Part A permit application prior to the facility conducting the activity or receiving new hazardous waste. A "No" answer to any of the questions under Section 703.154 means the facility is also in apparent non-compliance with this section. Did the owner or operator submit a revised Part A permit application not later than 90 days prior to changes in operational control or ownership of the HWM facility? Yes ___ No ___ N/A ___					

Area	Class	90 Day F/U Req	Key Ltr Sub Sec	Requirement	In Apparent Compliance?		Not Applicable	Remarks or Comment No.
					Yes	No		
OTH	1			PART 722 GENERATOR STANDARDS Subpart A: General Section 722.111: Hazardous Waste Determination Has the generator determined if the solid waste it generates is a hazardous waste? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Did the generator follow the procedures specified in this section in making its determination? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
OTH	1		a	Section 722.112: USEPA Identification Number Has the generator obtained a USEPA identification number? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
			c	Has the generator offered his hazardous waste only to transporters or to treatment, storage or disposal facilities that have received a USEPA identification number? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				FACILITY REPRESENTATIVES CLAIM THAT HAZARDOUS WASTE IS NO LONGER GENERATED BY THIS FACILITY.

Area	Class	90 Day F/U Req	Key Ltr		Requirement	In Apparent Compliance?		Not Applicable	Remarks or Comment No
			Sub	Sec		Yes	No		
CLO	1				<p>PART 725 INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES Subparts G and H: Closure, Post-Closure and Financial Requirements</p> <p>Section 725.212: Closure Plan</p> <p>Was the most current facility closure plan available during the inspection? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Was the closure plan submitted to the Agency within the time frames specified below:</p> <ul style="list-style-type: none"> - At least 180 days prior to the date closure of the first surface impoundment, waste pile, land treatment or landfill unit was (is) expected to begin? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> - At least 180 days prior to the date of final closure of a facility with surface impoundment(s), waste pile(s), land treatment or landfill unit(s)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> - At least 45 days prior to the date of final closure of a facility with any tank(s), container storage or incinerator unit(s)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> - At least 60 days prior to the date closure is expected to begin at a facility with a surface impoundment, waste pile, landfill or land treatment unit which also has an approved closure plan? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> 				NO CLOSURE PLAN

Area	Class	90 Day F/U Req	Key Ltr Sub Sec	Requirement	In Apparent Compliance?		Not Applicable	Remarks or Comment No.
					Yes	No		
CLO 1	a			<p>- No later than 15 days after termination of interim status (unless a full operating permit was issued simultaneously)? Yes ___ No ___ N/A ___</p> <p>- No later than 15 days after issuance of a judicial decree or Board Order to cease receiving hazardous waste or close? Yes ___ No ___ N/A ___</p> <p>Section 725.218: Post-Closure Plan</p> <p>Was the most current facility post-closure plan available during the inspection? Yes ___ No ___</p> <p>Was the post-closure plan submitted to the Agency within the time frames established in this sub-section? Yes ___ No ___ N/A ___</p> <p>Section 725.242: Cost Estimate for Closure</p> <p>Has the facility prepared a written estimate of the cost of closing the facility?</p> <p><u>NOTE:</u> If no closure plan, mark "N/A".</p> <p>Section 725.244: Cost Estimate for Post-Closure Care</p> <p>Has the facility prepared a written estimate of the annual cost of post-closure monitoring and maintenance of the facility?</p> <p><u>NOTE:</u> If no post-closure plan, mark "N/A".</p>				 <p>NOT A LAND DISPOSAL FACILITY</p>  <p>NOT A LAND DISPOSAL FACILITY</p>
FIN 1								
FIN 1								

Illinois Environmental Protection Agency
Division of Land Pollution Control

RCRA INSPECTION REPORT

EPA #: 1L D 98 H 805 309
 Facility Name: CUSTON CLEANING SYSTEMS INC.
 Street Address: 31955 SOUTH RAINIER ROAD
 City: PEOTONE
 State: ILLINOIS Zip: 60468
 Region: MAYWOOD
 Inspection Date: 4/11/96
 From: 9:10am To: 1:00pm
 Weather: 40°

TYPE OF FACILITY

Notified As: TRANS

Regulated As: (S)

LDL? NO HPV? NO

90-Day F/U Required?

yes
no

TYPE OF INSPECTION

CEI:

Sampling:

Citizen Complaint:

Closed:

Other:

CME/OSM:

Record Review:

Follow-up to inspection of: 5-18-93 Withdrawal:

NON-REGULATED STATUS

PART A

Notification Date: 10/15/90, from (initial) or (subsequent) Notification.

Initial Part A Date:

Amended:

Approved by (US)(IL) EPA:

Part A Withdrawal requested:

PART B PERMIT APPLICATION

Part B Permit Submitted: (Y) or N

6/18/93

Final Permit issued:

ENFORCEMENT

Has the firm been referred to -

USEPA: (Y) or N

Illinois Attorney General: (Y) or N

ORDERS ISSUED

CACO:

CAFO: 10/10/91

Consent Decree:

Federal Court Order:

State Court Order:

IPCB Order:

TSD FACILITY ACTIVITY SUMMARY

Activity by
Process Code

On Part A?

Activity Conducted
prior to 1980?

Was Activity
Ever Done?

Closed

Being done at
Time of Insp.?

Exempt per
35 IAC, Sec.

On Annual Rep
1975/1974/197

1970750005 - Will County
Peotone/Custom Cleaning Systems, Inc.
ILD984805309

NARRATIVE

Prepared by Donna Czech

On April 16, 1996 a follow-up inspection was conducted at the subject facility. The previous inspection took place on May 18, 1993. Daniel Haduch, the facility's general manager, was present during the inspection.

The following violation was adequately addressed:

722.111 - The used cleaning solution for which no hazardous waste determination had been made, is no longer being accepted at the facility. In addition, a Material Safety Data Sheet indicated that the "high flash" mineral spirits product solvent is not hazardous due to ignitability.

DJC:fs:CCS.2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: June 8, 1992

SUBJECT: Custom Blended Oils, Inc. (ILD 069 503 944)
Default on CAFO

FROM: Eric Glatstein
MI/WI Technical Enforcement Section

TO: Laura L. Lodisio, Chief
MI/WI Technical Enforcement Section

On May 11, 1992, a Notice of Default (copy attached) was sent to Custom Blended Oils, Inc. (CBO) regarding CBO's performance under the October 10, 1991, Consent Agreement and Final Order (CAFO) entered into with U.S. EPA. The letter informed CBO that their facility had failed to meet any of the provisions of CAFO paragraph D, the paragraph surrounding CBO's management of hazardous wastes; and that CBO must therefore abide by the provisions of CAFO paragraph E, requiring CBO to cease storing hazardous wastes.

In a response received June 2, 1992, from Philip Mole, P.E. of Sun Eco Systems, Mr. Mole makes the following statements on behalf of CBO and Custom Cleaning Services (CCS) -- a company which occupies the same real property as CBO and which appears to have identical management, but which operates under a different RCRA EPA ID Number (ILD 9B4 B05 309):

1. Parts A and B of a Permit Application for hazardous waste storage will be hand carried to the Illinois EPA Land Division on June 1, 1992 (letter is dated May 29);
2. CCS "is a facility which legitimately recycles or reclaims its waste"; and
3. CCS accepts hazardous wastes from Conditionally Exempt Small Quantity Generators, only.

Among the options specified under CAFO paragraph D were that, by October 25, 1991, CBO would demonstrate that CBO had (i) obtained a Permit under 35 Ill. Adm. Code Parts 702 and 703 (40 CFR Part 270), or (v)(A) that the CBO facility beneficially uses or reuses, or legitimately recycles or reclaims its waste. Mr. Mole appears to be addressing these two options with his first and second statements. Mr. Mole's third statement appears to imply that, except for the CAFO itself, CCS is not required to obtain a permit.

CBO is clearly in default of the CAFO. Mr. Mole's statements do not constitute a demonstration of fact, and if they did, CBO's actions would be well behind the schedule established in the CAFO. Further, the CBO management may be purposefully muddying the waters by now making reference to CCS.

Should this matter be referred to the IEPA for CBO/CCS's continuing violation of State law regarding the storage of hazardous wastes; to the U.S. Department of Justice for CBO's default on the Administrative CAFO; to both? Or should we re-enter discussions with the CBO/CCS management in an attempt to more clearly explain the requirements of the CAFO and the law?

Attachments

cc: Sandra Otaka, ORC



Sun Eco Systems, Inc.

7949 WEST COUNTRY CLUB LANE • ELMWOOD PARK, ILLINOIS 60635

PHONE (708) 452-7701 • FAX (708) 452-7750

May 29, 1992

RECEIVED

JUN 2 1992

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

Mr. Joseph M. Boyle, Chief
RCRA Enforcement Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604-3590

RE: Custom Blended Oils, Inc.
Peotone, Illinois 60468
Consent Agreement and Final Order
Docket #V-W-90-R-21
E.P.A. I.D. #ILD069-503-944

Dear Mr. Boyle:

This will acknowledge receipt of your letter of May 11, 1992 and telephone discussion with Mr. Eric Glatstein of your staff on May 27, 1992 as it concerns the subject matter.

Please be advised that Sun Eco Systems, Inc., represent custom blended oils, and custom cleaning systems in all matters of safety and environment. Accordingly, we are responding directly to the CAFO status as it regards the spent petroleum naptha on site, as follows:

1. Sun Eco Systems, Inc., have prepared the necessary RCRA "A and B" Permit Application pursuant to 35 Illinois Administrative Code Parts 702 and 703 (40 CFR-Part 270), for the storage of hazardous waste at the facility under the RCRA Act. This Permit will be hand carried to Mr. Ted Dragovich, IEPA, Land Division on Monday June 1, 1992.

2. CCS is a facility which legitimately recycles or reclaims its waste.

3. Accepts only from CESQG, shipped off-site within the statutory time limits to a RCRA Facility under the Uniform Hazardous Waste Manifest.

Philip J. Molé and Associates

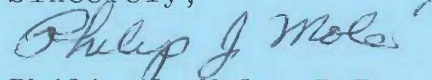
Certified Environmental Engineers

Serving Your Priority • Reduce Liabilities

Page 2

We trust the above will satisfy the Reporting Requirements. Please contact Mr. Bill Kallas, Project Engineer, or the writer, should you have any questions at (708)452-7701.

Sincerely,

A handwritten signature in dark ink, reading "Philip J. Mole". The signature is written in a cursive style with a large, stylized "P" and "M".

Philip J. Mole, P.E.
President

cc: Ted Dragovich, IEPA-Springfield
Dan Haduch, CBO-Peotone



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 11 1992

REPLY TO THE ATTENTION OF:

HRE-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Daniel Haduch
Custom Blended Dils, Inc.
P.O. Box 1D41
Peotone, Illinois 60468

Re: Notice of Default
EPA ID No.: ILD D69 5D3 944
Consent Agreement and
Final Order
Docket No.: V-W-9D-R-21

Dear Mr. Haduch:

On April 3, 1992, the Custom Blended Dils, Inc. (CBO) facility in Peotone, Illinois, was inspected by representatives of the United States Environmental Protection Agency (U.S. EPA). The purpose of the inspection was to evaluate CBO's compliance with the requirements of the October 1D, 1991, Consent Agreement and Final Order (CAFO) entered into with U.S. EPA.

Based upon information provided by you during the course of the inspection, a subsequent submittal, received April 17, 1991, and a visual inspection of the facility, U.S. EPA has determined that CBO is in violation of CAFO paragraph D:

Respondent shall, within 15 days of this Order becoming final, demonstrate in writing to U.S. EPA that its facility is a treatment, storage, or disposal facility, either of which is:

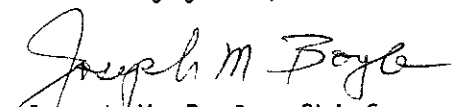
- (i) Permitted under 35 Ill. Adm. Code Parts 702 and 703 (40 CFR Part 27D);
- (ii) In interim status under 35 Ill. Adm. Code Parts 7D3 and 725 (40 CFR Parts 265 and 270);
- (iii) Authorized to manage hazardous waste by a State with hazardous waste management program approved under 40 CFR Part 271;
- (iv) Permitted, licensed, or registered by a State to manage municipal or industrial solid waste; or
- (v) A facility which:
 - (A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
 - (B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

CBO has not demonstrated, in writing or otherwise, that its facility meets any of the conditions established in CAFO paragraph D. Therefore, pursuant to CAFO paragraph E, CBD immediately must cease storing spent carburetor cleaner, spent petroleum naphtha, and any other hazardous waste on-site until it has obtained a permit pursuant to 35 Ill. Adm. Code Parts 702 and 703 (40 CFR Part 270). The storage of hazardous waste at the facility is determined to be a continuing violation of the Resource Conservation and Recovery Act (RCRA), the analogous State hazardous waste regulations pursuant to the Illinois Administrative Code, and the CAFO. Such violation may subject you to further State and/or Federal enforcement actions, including additional monetary penalties.

You are required to submit a written response to this office no later than fourteen (14) days after receipt of this letter documenting actions taken to comply with the CAFO. Your response should be addressed to RCRA Enforcement Branch (HRE-BJ), United States Environmental Protection Agency, Region V, 77 West Jackson Blvd., Chicago, Illinois 60604, Attention: Eric Glatstein. Failure to reply within the specified time also may result in additional Federal enforcement actions.

Please direct any questions that you may have about this matter to Mr. Eric Glatstein of my staff at (312) 886-3901.

Sincerely yours,


Joseph M. Boyle, Chief
RCRA Enforcement Branch

Enclosure

cc: William Child, IEPA, Springfield
Ted Dragovich, IEPA, Springfield
Donna Czeck, IEPA, Maywood

CBO has not demonstrated, in writing or otherwise, that its facility meets any of the conditions established in CAFO paragraph D. Therefore, pursuant to CAFO paragraph E, CBO immediately must cease storing spent carburetor cleaner, spent petroleum naphtha, and any other hazardous waste on-site until it has obtained a permit pursuant to 35 Ill. Adm. Code Parts 702 and 703 (40 CFR Part 270). The storage of hazardous waste at the facility is determined to be a continuing violation of the Resource Conservation and Recovery Act (RCRA), the analogous State hazardous waste regulations pursuant to the Illinois Administrative Code, and the CAFO. Such violation may subject you to further State and/or Federal enforcement actions, including additional monetary penalties.

You are required to submit a written response to this office no later than fourteen (14) days after receipt of this letter documenting actions taken to comply with the CAFO. Your response should be addressed to RCRA Enforcement Branch (HRE-8J), United States Environmental Protection Agency, Region V, 77 West Jackson Blvd., Chicago, Illinois 60604, Attention: Eric Glatstein. Failure to reply within the specified time also may result in additional Federal enforcement actions.

Please direct any questions that you may have about this matter to Mr. Eric Glatstein of my staff at (312) 886-3901.

Sincerely yours,

ORIGINAL SIGNED BY
JOSEPH M. BOYLE

Joseph M. Boyle, Chief
RCRA Enforcement Branch

Enclosure

cc: William Child, IEPA, Springfield
Ted Dragovich, IEPA, Springfield
Donna Czeck, IEPA, Maywood

bcc: Sandra Otaka, ORC

f:\user\eglatste\cbo.nov

AP 4/30/92

CONCURRENCE REQUESTED FROM REB			
OTHER STAFF	REB STAFF	REB SECTION CHIEF	REB BRANCH CHIEF
	EG 4/30/92	JLB 4/30/92	JMB 5/1/92

RCRA ENFORCEMENT ACTION SIGN-OFF

PART I. BACKGROUND

FACILITY NAME Custom Blended Oils
 FACILITY LOCATION Peotone, IL
 RCRA ID NUMBER ILD 069 503 944
 ASSIGNEES REB Eric G. Larsten ORC Sandra Otake
 NATURE OF VIOLATION Default for CAFD (storage)
 DATE OF DISCOVERY April 3, 1992
 DATE OF REFERRAL _____ () NOT APPLICABLE
 ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY:

PART II. RECOMMENDATION NOTICE OF DEFAULT LETTER

PART III. CONCURRENCES ON DRAFT

	INITIALS	DATE	AGREE	DISAGREE
PREPARER	<u>EG</u>	<u>4/22/92</u>	(<input checked="" type="checkbox"/>)	()
CHIEF, RCRA ENF. SECTION	<u>LT</u>	<u>4/28/92</u>	(<input checked="" type="checkbox"/>)	()
CHIEF, RCRA ENF. BRANCH	<u>JMB</u>	<u>5/1/92</u>	(<input checked="" type="checkbox"/>)	()
ASSISTANT REGIONAL COUNSEL	<u>GAN</u>	<u>4/29/</u>	(<input checked="" type="checkbox"/>)	()

PART IV. NAME & DATE OF 3008(a)(2) NOTICE LETTER _____

PART V. APPROVAL

1. PREPARER	_____	_____	()	()
2. CHIEF, RCRA ENF. SECTION	_____	_____	()	()
3. CHIEF, RCRA ENF. BRANCH	_____	_____	()	()
4. ASSISTANT REGIONAL COUNSEL	_____	_____	()	()
5. CHIEF, S.W. & E.R. SECTION	_____	_____	()	()
6. ASSOC. DIR., OFFICE OF RCRA	_____	_____	()	()

NOTE: Attach sign-off sheets to yellow copy of the enforcement action.

RCRA CHECKLIST FOR INSPECTION OF USED OIL FUEL MARKETERS/PROCESSORS

Name of Facility: Custom Blended Oils, INC

Address: South Rathje Road Peotone

EPA I.D. Number: _____

Facility Inspection Representative: Dan Haddrich, Ken, Bill Kallas

Title: Env. Coordinator, Rep Sec SUN-ECO System

Telephone: 312-821-4747

*Specify NA if questions do not apply.

Applicability

Regulations of 40 CFR Part 266, Subpart E apply to used oil burned for energy recovery in boilers or industrial furnaces. Used oil fuel includes any fuel produced from used oil by processing, blending, or other treatment. (§266.40(a))

	Yes	No	Comments:
1. Does the facility accept hazardous waste?	_____	<u>X</u>	_____
If so, does the facility accept only characteristic hazardous waste? (list codes)(§266.40(d))	_____	_____	<u>N/A</u>
2. Does the used oil contain > 1000 ppm of total halogens? If so, it is presumed to have been mixed with listed halogenated hazardous waste. (§266.40(c))	_____	<u>X</u>	_____
3. Does the facility only accept used oil?	<u>X</u>	_____	_____
List generators or other sources:			
<u>auto dealers, serv. stations, machine shops</u>			
<u>other collectors</u>			
4. Are other materials recycled for energy recovery?	_____	<u>X</u>	_____

2) Oil screened prior to collection > 1000ppm lead rejected. Each location screened.

5. Check the following applicable operating practices (for used oil fuel):

Storage

☐ Drum

☒ Aboveground tank(s)

☐ Underground tank(s)

☐ Other

☒ Tank sizes

300 000 gals

Treatment

☐ Settling

☐ Heat addition

☐ In-Line Filtering

☐ Centrifuging

☐ Screen Filtration (basket)

☐ Dehydration

☐ Emulsion Breaking

☐ Blending

Disposal

☐ Landfill*

☐ Land Treatment

☐ Surface
Impoundment

☐ Other

none

Descriptions and Observations: demulsifier releases oil from water

Storage or treatment tanks, finished product tank

2 X 55,000 gal tanks

Yes

No

Comments:

6. Had the facility notified U.S. EPA of its waste as fuel activities by January 29, 1986? (§266.43(b)(3))

Specify Notification Information:

☒

Notification at office

7. Has the facility submitted a RCRA Part A application for storage of hazardous waste?

Specify Part A information:

☐

☒

8. Does the facility generate hazardous waste?
If so, refer to generator checklist.

☐

☒

9. Does the facility have manifests for all shipments of hazardous waste received and sent? (§265.70)

☐

☐

N/A

10. Does the facility market only to burners or other marketers who have notified U.S. EPA? (§266.43(b)(2))

☐

☐

claims
N/A all on-spec

11. Does the facility have copies of required notices from burners and other marketers, received and sent? (§266.43(b)(5))

☐

☐

claims
N/A on-spec

→ claims no accept of HW

→ Heavy industry uses as a burner fuel

	Yes	No	Comments:
12. Do invoices contain the following information? (§266.43(b)(4)):			
(i) An invoice number	—	—	N/A claims on spec
(ii) Marketer's EPA ID number and Receiver's EPA ID Number	—	—	
(iii) Names and addresses of shipping and receiving facilities	—	—	
(iv) Quantity of off-specification fuel being delivered	—	—	
(v) Date of shipment or delivery	—	—	
(vi) Statement - "This used oil is subject to EPA regulation under 40 CFR Part 266"	—	—	
13. Does the facility have copies of invoices received and sent for the past three years? (§266.43(b)(6))	—	—	✓
14. Does the facility first claim the used oil meets the specifications? If so,	X	—	
14a. Does the facility have records of analyses or other information used to claim the used oil meets the specifications? (§266.43(b)(1))	X	—	copies to Eric
14b. Does the facility have a record or operating log specifying for each shipment: (§266.43(b)(6)(i))			
A. Name and address of receiving facility;	X	—	
B. Quantity of used oil fuel delivered;	X	—	
C. Date of delivery or shipment;	X	—	
D. Cross-reference to records of used oil analyses or other information?	X	—	

Inspector Names:

Title:

Agency:

Office Location:

Date of Inspection:

Comments:

never exceeded any spec since CAFO signed

- finished product tank sampled after filled
- no additional used oil added to tank until empty
- during this time processed oil goes into second tank. Tank 9+10 are finished product tanks. Analyses done w/ tank filled. could be week or month depending on business

ENVIRONMENTAL PROTECTION AGENCY
230 SOUTH DEARBORN STREET
CHICAGO, IL 60604

BILL DATE: 10/23/91

PAGE 001

PAYOR CODE: MISC05

SFO CODE: AP05

TO: CUSTOM BLENDED OILS, INC.
SOUTH RATHJE ROAD
PEOTONE IL 60468

REMIT PMT TO: U. S. EPA
CHICAGO REGION FINANCE OFFICE
P.O. BOX 70753
CHICAGO, IL 60673

BILLING DOC REF	DESCRIPTION	DATE	AMOUNT
-----	-----	----	-----
BD 050692V01 001	FINES, PENALTIES: OTHER	10/16/91	10,000.00
✓ - W - 90 - R - 21		TOTAL: \$	10,000.00
		DUE BY: 11/22/91	

ENVIRONMENTAL PROTECTION AGENCY
230 SOUTH DEARBORN STREET
CHICAGO, IL 60604

BILL DATE: 10/23/91

PAGE 002

*** NOTICE OF PAYMENT DUE ***

OUR RECORDS INDICATE THAT YOU ARE INDEBTED TO THE ENVIRONMENTAL PROTECTION AGENCY. AS SUCH, WE REQUIRE THAT ALL DEBTS BE SETTLED WITHIN 30 DAYS OF THE DATE OF THIS LETTER. IF THE DEBT IS NOT SETTLED WITHIN THE 30 DAY PERIOD, CONGRESS HAS MANDATED THAT WE CHARGE INTEREST AND A HANDLING FEE ON ALL DELINQUENT DEBTS. IF THE DEBT REMAINS OUTSTANDING FOR 90 DAYS, WE ARE REQUIRED TO CHARGE AN ADDITIONAL SIX PERCENT PER ANNUM PENALTY. THESE DELINQUENT CHARGES WILL BE ASSESSED ON YOUR DEBT UNTIL COLLECTED.

THE CURRENT INTEREST AND HANDLING CHARGES ASSESSED BY THE ENVIRONMENTAL PROTECTION AGENCY ARE AS FOLLOWS:

INTEREST	7.00%
HANDLING CHARGE	\$15.00
PENALTY	6.00%

TO AVOID THE POSSIBILITY OF ADDITIONAL CHARGES, PLEASE MAIL YOUR CHECK OR MONEY ORDER TO THE FOLLOWING ADDRESS:

*
* UNITED STATES ENVIRONMENTAL PROTECTION AGENCY *
* REGION V *
* P. O. BOX 70753 *
* CHICAGO, IL 60673 *
*

IF YOU HAVE ANY QUESTIONS ABOUT YOUR DEBT, PLEASE CALL JOE ZOTOMAYOR JR (312) 886-7520, OR MAIL YOUR WRITTEN INQUIRIES TO:

U.S. EPA REGION V
FINANCE & ACCOUNTING SECTION
230 SOUTH DEARBORN STREET
CHICAGO, IL 60604

ATTN: JOE ZOTOMAYOR, JR.

YOUR PROMPT ATTENTION TO THIS MATTER IS GREATLY APPRECIATED.

SINCERELY YOURS,

ENVIRONMENTAL PROTECTION AGENCY
230 SOUTH DEARBORN STREET
CHICAGO, IL 60604

BILL DATE: 10/23/91

PAGE 003

IVARS P. ANTENS
FINANCIAL MANAGEMENT OFFICER



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

16 OCT 1991

REPLY TO ATTENTION OF:
5HR-13

CERTIFIED MAIL P611 588 317
RETURN RECEIPT REQUESTED

Ms. Lorene Winkle
Custom Blended Oils, Inc.
South Rathje Road
Peotone, Illinois 60468

Re: Consent Agreement and
Final Order
Custom Blended Oils, Inc.
Docket No.: V-W-90-R-21

Dear Ms. Winkle:

This letter is to acknowledge receipt of the Consent Agreement and Final Order (CAFO) signed by Custom Blended Oils, Inc. A fully executed copy of the CAFO is enclosed for your file.

Your cooperation in resolving this matter is appreciated. If you have any questions, please contact Allen Wojtas of my staff at (312) 886-6194.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Wm. E. Munro".

William E. Munro, Associate Director
Office of RCRA
Waste Management Division

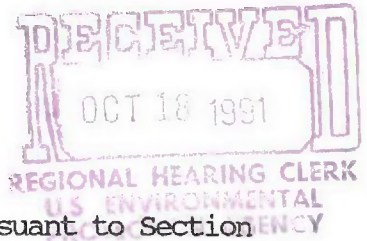
Enclosure

cc: Gary King, IEPA
William Kallas, Sun-Eco Systems

bcc: Sandra Otaka, ORC
Regional Hearing Clerk
Robert Small, OWPE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:	)	DOCKET NO. V-W-90-R-21
)	
CUSTOM BLENDED OILS, INC.	)	CONSENT AGREEMENT AND
SOUTH RATHJE ROAD	)	FINAL ORDER
PEOTONE, ILLINOIS 60468)	
)	
EPA ID No.: ILD 069 503 944)	



PREAMBLE

On June 14, 1990, a Complaint was filed in this matter pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. Section 6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Associate Director, Office of RCRA, Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is Custom Blended Oils, Inc., South Rathje Road, Peotone, Illinois.

STIPULATIONS

The parties, desiring to settle this action, enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint, Findings of Violation and Compliance Order (Docket No. V-W-90-R-21) in this matter.
2. Respondent is an Illinois Corporation whose registered agent is David B. Sosin. Respondent owns and operates a facility located at South Rathje Road, Peotone, Illinois (the "facility").
3. Respondent admits the jurisdictional allegations contained in the Complaint.

4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint other than admissions made in Respondent's Answer.

5. Respondent explicitly waives its right to a hearing on the allegations contained in the Complaint.

6. Should the Respondent fail to comply with any provision contained in the subsequent Final Order, Respondent waives any rights it may possess in law or equity to challenge the authority of the U.S. EPA to bring a civil action in the appropriate United States district court to compel compliance with the Final Order and/or to seek an additional penalty for the non-compliance.

7. Respondent consents to the issuance of the Order hereinafter set forth and hereby consents to the payment of a civil penalty in the amount therein specified.

8. On May 17, 1982, the State of Illinois was granted Phase I Interim Authorization by the Administrator of U.S. EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. §6926(b), to administer a hazardous waste program in lieu of the Federal program. See 47 Fed. Reg. 21,043. On January 30, 1986, the State of Illinois received final authorization. See 51 Fed. Reg. 3778. As a result, generators, transporters and treatment, storage or disposal facilities are regulated under Illinois provisions found at 35 Ill. Adm. Code Parts 720 through 725, rather than the Federal regulations set forth at 40 CFR Part 260 et seq. Final authorization for additional program revisions including 35 Ill. Adm. Code 726 was granted to the State of Illinois on April 30, 1990. See 55 Fed. Reg. 7320. Section 3008(a)(2) of RCRA, 42 U.S.C. §6928(a)(2),

provides that U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program.

9. This Consent Agreement and Final Order shall become effective on the date it is signed by the Director, Waste Management Division.

FINAL ORDER

Based on the foregoing stipulations, the Parties agree to the entry of the following Final Order:

A. Respondent shall, immediately upon this Order becoming final, achieve and maintain compliance with the standards applicable to marketers of used oil fuel pursuant to 35 Ill. Adm. Code 726.143 (40 CFR 266.43) including: (1) analysis of used oil fuel; (2) meeting the prohibitions under 35 Ill. Adm. Code 726.141(a) (40 CFR 266.41(a)); (3) invoice system requirements; (4) obtaining the required notices from burners and/or other marketers; and (5) keeping an operating log for shipments of on-specification used oil fuel.

B. Respondent shall, immediately upon this Order becoming final, not accept from off-site for storage, without a permit, any hazardous waste or hazardous waste fuel, for energy recovery. Any marketing of hazardous waste fuel must comply with the requirements of 35 Ill. Adm. Code 726.134 (40 CFR 266.34) including applicable provisions of 35 Ill. Adm. Code 722.134 (40 CFR 262.34), and Subparts A through L of 35 Ill. Adm. Code 724 (40 CFR Part 264), Subparts A through L of 35 Ill. Adm. Code 725 (40 CFR Part 265), 35 Ill. Adm. Code 702 (40 CFR Part 270), which are referenced in 35 Ill. Adm. Code

726.134(c) (40 CFR 266.34(c)). Used oil marketed or burned for energy recovery containing more than 1000 ppm of total halogens is presumed to be a hazardous waste listed in 35 Ill. Adm. Code 721, Subpart D (40 CFR 261, Subpart D) and is subject to regulation as a hazardous waste fuel under 35 Ill. Adm. Code 726, Subpart D (40 CFR 266, Subpart D). Respondent may rebut this presumption by demonstrating that the used oil does not contain hazardous waste pursuant to 35 Ill. Adm. Code 726.140 (40 CFR 266.40).

C. Respondent shall demonstrate in writing to U.S. EPA that all generators of hazardous waste (including spent carburetor cleaner) marketed, transported, and stored by Custom Blended Oils, Inc. are conditionally exempt small quantity generators pursuant to 35 Ill. Adm. Code 721.105 (40 CFR 261.5). This will be done by demonstrating that each of those generators does not generate more than 100 kilograms of hazardous waste (spent carburetor cleaner and any other hazardous waste generated by the facility) per calendar month. Custom Blended Oils, Inc. must obtain a signed certification from each conditionally exempt small quantity generator stating the amount of total hazardous waste generated during each month, beginning with the last day of the month this final Order becomes effective, and at the end of each calendar month during which Custom Blended Oils, Inc. accepts a shipment of spent carburetor cleaner or any other hazardous waste from a conditionally exempt small quantity generator. In addition, Custom Blended Oils, Inc. must obtain any other documentation necessary to support the claim of conditionally exempt small quantity generators, including but not limited to manifests. The signed certifications and any other documentation supporting the claim of conditionally exempt small quantity generators shall be maintained in Custom

Blended Oils, Inc.'s files on-site for a period of 3 years after receipt of the last shipment. Copies of the first 3 months certifications and other documentation supporting the claim of conditionally exempt small quantity generators shall be submitted to U.S. EPA by the 15th day of the following month. The above requirements shall apply to any new generators to whom Custom Blended Oils, Inc. manages hazardous waste including spent hazardous waste carburetor cleaner.

D. Respondent shall, within 15 days of this Order becoming final, demonstrate in writing to U.S. EPA that its facility is a treatment, storage or disposal facility, either of which, is:

- (i) Permitted under 35 Ill. Adm. Code Parts 702 and 703 (40 CFR Part 270);
- (ii) In interim status under 35 Ill. Adm. Code Parts 703 and 725 (40 CFR Parts 265 and 270);
- (iii) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under 40 CFR Part 271;
- (iv) Permitted, licensed, or registered by a State to manage municipal or industrial solid waste; or
- (v) A facility which:
 - (A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
 - (B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

E. If the requirements of paragraphs C and D, above, are not met within 45 days of this Order becoming final, and are not continually complied with in

the future, Respondent shall cease storing the spent carburetor cleaner or any other hazardous waste on-site without a permit pursuant to 35 Ill. Adm. Code Parts 702 and 703 (40 CFR Part 270). Pursuant to 35 Ill. Adm. Code 723.112 (40 CFR 263.12) a transporter, as a transfer facility, may store manifested shipments of hazardous waste for a period of 10 days or less in containers meeting the requirements of 35 Ill. Adm. Code 722.130 (40 CFR 262.30). Before transporting any hazardous waste, Respondent shall submit a revised EPA Form 8700-12 which will accurately reflect Respondent's hazardous waste activity consistent with 35 Ill. Adm. Code 723.111 (40 CFR 263.11). As a transporter, Respondent shall comply with all applicable requirements of 35 Ill. Adm. Code Part 723 (40 CFR Part 263).

F. Respondent shall, prior to treating any tank bottom sludge generated at the facility, with lime or any other agent, and prior to its disposal, submit to U.S. EPA the analysis supporting a determination of whether any tank bottom sludge is a hazardous waste consistent with 35 Ill. Adm. Code 722.111 (40 CFR 262.11). If it is determined that the sludge is a hazardous waste, it shall be managed in accordance with the standards for generators and/or treatment, storage or disposal facilities found at 35 Ill. Adm. Code Parts 722 and 724 (40 CFR Parts 262 and 264).

G. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order or any part thereof. The notification(s) of compliance shall be attested to by a responsible official who shall state:

"I certify that the information contained in or accompanying this notification of compliance is true, accurate, and complete."

This notification shall be submitted no later than the time stipulated above to the Waste Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: Allen T. Wojtas, RCRA Enforcement Branch, 5HR-12.

H. A copy of these documents and all correspondence with U.S. EPA regarding this Final Order shall also be submitted to: Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, Attention: Gary King.

I. Respondent shall pay a civil penalty in the amount of TEN THOUSAND DOLLARS (\$10,000) within thirty (30) days of the effective date this Final Order. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States of America and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division (5MF-14), and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel (5CS-TUB-3), U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

The U.S. EPA may collect interest on any amounts overdue under the terms of this Final Order at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. Section 3717. A late payment handling charge of \$20.00 will be imposed on any late payment, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains.

Failure to comply with any requirement of this Final Order may subject Respondent to liability for a penalty of up to TWENTY-FIVE THOUSAND DOLLARS

(\$25,000) for each day of continued non-compliance with the terms of the Final Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

This Final Order constitutes a settlement and final disposition of the Complaint filed in this case and stipulations hereinbefore recited.

Notwithstanding any other provision of this Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. Section 6973, or other statutory authority should U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the facility may present an imminent and substantial endangerment to health or the environment. U.S. EPA also expressly reserves the right to take any action necessary under Section 3008 of RCRA to enforce compliance with the applicable provision of 35 Ill. Adm. Code Parts 720-726; 40 CFR Parts 124 and 270; and this Final Order.

SIGNATORIES

Each undersigned representative of a Party to this Consent Agreement and Final Order consisting of four pages certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such party to this document.

Agreed to this 25th day of Sept., 1991.

By *Payne Winkle*
For Custom Blended Oils, Inc.
Respondent

Title *Pres.*

Agreed this 9th day of October, 1991.

By *Wm. E. Muno*
William E. Muno, Associate Director
Office of RCRA
Waste Management Division
U.S. Environmental Protection Agency
Region V, Complainant

The above being agreed and consented to, it is so ordered

this 10th day of October, 1991.

David A. Ullrich
David A. Ullrich, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V

IN THE MATTER OF:
CUSTOM BLENDED OILS, INC.
SOUTH RATHJE ROAD
PEOTONE, ILLINOIS 60468
DOCKET NO. V-W-90-R-21

CERTIFICATE OF SERVICE

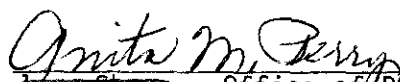

I hereby certify that I have caused a copy of the foregoing CAFO to be served upon the person designated below, on the date below, by causing said copy to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois in an envelope addressed to:

Ms. Lorene Winkle
Custom Blended Oils, Inc.
South Rathje Road
Peotone, IL 60468

I have further caused the original of the CAFO and this Certificate of Service to be served in the Office of the Regional Hearing Clerk, located in the Planning and Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, on the date below.

These are said peron's last known address to the subscriber.

Dated this 16th day of October 1991.


 Office of RCRA
US EPA, Region V

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: OCT 09 1991

SUBJECT: CAFO for Execution for Custom Blended Oils, Inc.
Docket No.: V-W-90-R-21

FROM: William E. Muno, Associate Director
Office of RCRA

TO: David A. Ullrich, Director
Waste Management Division

Attached for your review and signature is a Consent Agreement and Final Order (CAFO), the terms of which require Custom Blended Oils, Inc. to comply with the requirements of marketers of used oil fuel. The CAFO also requires that Custom Blended Oils, Inc. comply with the requirements of generators of hazardous waste.

Custom Blended Oils, Inc. is assessed a penalty of \$10,000. The original penalty was \$85,750, but was reduced due to Custom Blended Oils, Inc.'s inability to pay. I recommend that you sign the Order on behalf of Region V. When the execution of signatures is complete, please return the signed CAFO's to me for proper distribution of the signed copies.

Attachment

INIT. DATE	TYP.	AUTH.	ILLUM TECH.	MUWI TECH.	OR/IAN TECH.	IL/MIWI TECH.	IN/IAN TECH.	NCRA	O.R.	WMD
		<i>atw</i> 10/2/91	/	<i>llf</i> 10/2/91	/	/	/	<i>gnB</i> 10/3/91	<i>WEM</i> 10/7/91	/

smc
10/7/91



July 15, 1991

RECEIVED
JUL 18 1991

Allen Wojtas
MI/WI Technical Enforcement Section
RCRA Enforcement Branch
EPA, Region V
Chicago, IL 60604

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

RE: Civil Penalty Recommendation, TES X, WA No. R05046, Custom Blended Oils, Inc.

Dear Mr. Wojtas:

At your request, and based on your information that Custom Blended Oils, Inc. (hereafter referred to as Custom) has offered a payment of \$20,000 in settlement of a \$85,750 civil penalty, DPRA has further analyzed Custom's ability to pay in order to recommend a specific payment level that EPA might choose to impose on Custom. Our June 26, 1991 letter report, which summarized our analysis and opinion on Custom's ability to pay following receipt of "reviewed" corporate financial data for FY 1990 and for the first eight months of FY 1991, indicated a highly unprofitable company with threatened viability. This letter report summarizes the results of an expanded ratio analysis assuming three levels of payments based on several sources of funds, and it also brings to your attention potential sources of funds from the owners of Custom.

EXPANDED RATIO ANALYSIS, WITH AND WITHOUT A CIVIL PENALTY

Table 1 presents income statement and balance sheet data from the reviewed corporate financial data prepared by Custom's accountant. The May 31, 1991 data, which represent two-thirds of FY 1991, were annualized to project year-end data. It is highly uncertain that these annualized data will be reflective of Custom's actual FY 1991 data. However, they are likely representative of the overall financial performance of the company during the year. Table 2 shows the same data as a percentage of sales, assets, and liabilities and owners' equity. Based on this data, liquidity, leverage, solvency and profitability ratios were calculated, with the results presented in Table 3.

As Table 3 indicates, every one of the ratios calculated for Custom in 1990 fall into a problem zone area. Custom's FY 1990 ratios were compared to median ratios (industry norms) for SIC 5172, Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals. Custom lists 5170 as its business code on its corporate income tax returns; there is no SIC code 5170, but SIC 517 has two industries at the four-digit level, SIC 5171 and SIC 5172, with SIC 5172 more representative of Custom's line of business. As can be seen in Table 3, Custom's ratios fall far below that of the industry norm. In fact, Custom's ratios are far below those of

lower quartile firms in the industry. A negative Cash Flow Coverage (CFC) ratio indicates that Custom may be headed toward bankruptcy, since this ratio must be positive for financial viability. The CFC should be in the 0.2 to 0.4 range for the company to have adequate cash flow to service its liabilities from internal resources, and Custom's CFC ratio for FY 1990 was -0.41, with a -0.42 projected for FY 1991. This indicates that Custom will be unable to fund a civil penalty payment from current net income generated by operations without further endangering the existing operations.

However, to assess the effects of a \$20,000, \$30,000 and \$40,000 civil penalty payment on Custom, three scenarios were analyzed as follows:

Scenario 1: Custom pays a \$20,000 penalty with the funds raised through the factoring (selling) of \$22,000 worth of its highest quality accounts receivable. The factor (a firm specializing in buying accounts receivable) pays Custom the amount of the receivables in advance, less the factoring fee and interest on the advance payment. It is assumed that Custom acquires \$20,000 in short-term funds from this process with which to pay a \$20,000 penalty.

Scenario 2: Custom pays a \$30,000 penalty with \$20,000 of the funds raised through the factoring of accounts receivable as described in Scenario 1, plus acquiring \$10,000 in new long-term debt. This assumes the company has a banker willing to lend it \$10,000.

Scenario 3: Custom pays a \$40,000 penalty with all the funds raised through new long-term debt.

The effects of each scenario are assessed through ratio analysis, using Custom's FY 1990 and May 31, 1991 financial data as a basis for assessment. Tables 4, 5 and 6 show the revised ratios under Scenarios 1, 2 and 3, respectively. For discussion purposes, a summary table comparing the actual Custom ratios and the ratios under each scenario using FY 1990 financial data was developed (Table 7). Ratio analysis results as presented in Table 7 are discussed individually for each scenario below.

Scenario 1: \$20,000 payment, source of funds is accounts receivable factoring

Custom currently has liquidity problems, with a current ratio of only 0.71 and a quick ratio of 0.44 in FY 1990. Using proceeds from the factoring of accounts receivable to pay a civil penalty lowers the liquidity ratios even further, to 0.60 and 0.33, respectively. And, of course, it reduces the amount of funds the firm has available to pay its operating expenses. We note that the stockholders of the firm (the Winkles) have loaned the company \$27,000 in FY '91 (as of May 31, 1991). This is further indication that the firm has a liquidity problem and is not able to meet its day-by-day expenses through internally generated funds.

The payment of a \$20,000 settlement under this scenario reduces net income from a negative \$133,691 to a negative \$153,691. Correspondingly, retained earnings also declines, resulting in a debt to equity ratio of 14.17, compared to 6.76 with no payment, and a reduced return on equity, from -3.18 to -7.66. The debt to assets ratio also increases because of the reduction in

assets. All the firm's solvency ratios (fixed charge coverage, cash flow coverage, Beaver's ratio and times interest earned) further deteriorate as a result of a \$20,000 payment funded through the sale of accounts receivables.

While the factoring of accounts receivables may provide a relatively quick source of funds with which to pay a civil penalty, Custom is in such poor financial shape that the company can scarcely afford to divert this source of income from payment of its normal operating expenses.

Scenario 2: \$30,000 payment, source of funds is \$20,000 from accounts receivable factoring plus a \$10,000 long-term loan

As shown in Table 7, all of Custom's ratios deteriorate after the payment of a \$30,000 civil penalty using funds from the sale of accounts receivables and a new long-term loan. This scenario is highly hypothetical in that it may be virtually impossible for Custom to obtain a long-term loan, unless the owners have a friendly banker who depends more on the character of the owners rather than the financial condition of the company or unless the company has collateral with which to secure a loan. We do note that about \$9,900 of Custom's long-term loans have already matured this year (1991), with another \$3,000 maturing in November of this year. Perhaps the lending institutions will be willing issue an equivalent amount of funds in new loans, based on available collateral. Regardless, a payment of \$30,000 using funds as specified results in the firm edging even closer to bankruptcy.

Scenario 3: \$40,000 payment, source of funds is a long-term loan

If the firm should be able to acquire \$40,000 of additional debt, the leverage and profitability ratios significantly deteriorate while liquidity remains unchanged. It's highly unlikely the firm has the ability to service this level of debt and remain viable.

OTHER POTENTIAL SOURCES FOR PAYMENT OF THE CIVIL PENALTY

Given the poor financial health of Custom, the owners of the firm should be assessed for their ability to pay the civil penalty. The results of such an assessment were summarized in a November 28, 1990 letter report. The following discussion expands upon that assessment.

It appears that both Ernest and Lorene Winkle receive a salary from Custom that would be included as part of the "salaries and wages" expense. The couple also receive \$24,000 per year in rent from the business, given that they own outright the commercial building and land upon which the business is located. This property was purchased for \$53,000 originally and may have a current value approaching \$100,000. The following possibilities are suggested:

- The Winkles could assign the rent payment to EPA in lieu of receiving it themselves. This would result in an annual payment of \$24,000.
- The Winkles could sell the property under an agreement with the new owner that the business will continue to be the lessee. Under this arrangement, it's possible enough money would be raised to pay the full penalty of \$85,750 and Custom could continue occupying the facility and paying rent just as it currently is.

RECOMMENDATIONS

Given the shaky financial condition of the company and its inability to pay a sizable penalty without further jeopardizing the firm, DPRA recommends one of the following:

- accept the \$20,000 settlement offer from the Winkles,
- pursue the above-described rent assignment of \$24,000/year, or
- assess a lump sum payment of \$85,750 based on the sale of the commercial property held by the Winkles. Does EPA or other parties have a lien on such property at this time?

Sincerely,

A handwritten signature in cursive script that reads "Nancy J. Ekart".

Nancy J. Ekart
Associate

cc: Dan Francke, DPRA
File 3729.046

RCRA CONSENT AGREEMENT AND FINAL ORDER SIGN-OFF

PART I BACKGROUND

Facility Name CUSTOM BLENDED OILS, INC
Facility RCRA ID Number ILD 069 503 944
Docket Number V-W-90R-21
REB Assignee Allen Wojtas ORC Assignee Sandra OtaKa
Summary of Agreement Achieve Stds applicable to marketers
of used oil fuel, pay civil penalty

PART II CONCURRENCES ON DRAFT CAFO

	Initials	Date	Agree	Disagree
REB Assignee	<u>Atw</u>	<u>8/23/90</u>	<u>✓</u>	
Chief, RCRA Enf. Section	<u>SS</u>	<u>9/5/90</u>	<u>✓</u>	
Chief, RCRA Enf. Branch	<u>RP/William</u>	<u>9-7-90</u>	<u>✓</u>	
Asst. Regional Counsel	<u>SLC</u>	<u>9-12-90</u>	<u>✓</u>	
Chief, S.W.E.R. Section	<u>MMR</u>	<u>9/12/90</u>	<u>✓</u>	

PART III RETURN TO ORC ASSIGNEE FOR TRANSMITTAL OF DRAFT TO THE FACILITY

PART IV FINAL CAFO APPROVAL

REB Assignee	<u>Atw</u>	<u>10/2/91</u>	<u>✓</u>	
Chief, RCRA Enf. Section	<u>SS</u>	<u>10/2/91</u>	<u>✓</u>	
Chief, RCRA Enf. Branch	<u>JMB</u>	<u>10/3/91</u>	<u>✓</u>	
Asst. Regional Counsel	<u>SW</u>	<u>10/7/91</u>		
Chief, S.W.E.R. Section	<u>RCJ</u>	<u>10/7/91</u>		
Assoc. Dir., Office of RCRA	<u>WEN</u>	<u>10/9/91</u>		
Director, WMD	<u>JAH</u>	<u>10/10/91</u>	<u>✓</u>	

A. PERRY 2

PART V RETURN TO ~~J. SHARP~~, 5HR-13, FOR MAILING

9K-10/08/91

5/2/91

Meeting CBO

- 1) Allen T. Wojtas USEPA (312) 886-6194
- 2) Sandra R. Ohka USEPA, ORA (312) 886 7151
- 3) William C. Kallas SUNECS SYSTEMS (708) 452-7701
- 4) DANIEL HADUCH Custom Blended Oils 708/258-6881
- 5) Kim HADUCH Custom Blended Oils 708/258-6881

5/2/91 CBO meeting

- \$62775 final EPA offer
- CBO subject themselves to indep. audit
- Payment plan can be worked out
- CBO to get back re: 62,775.



Illinois Environmental Protection Agency · P.O. Box 19276, Springfield, IL 62794-9276

217/782-5544

February 26, 1991

RECEIVED
FEB 28 1991

OFFICE OF RCRA
Waste Management Division
U.S. EPA REGION 7

Ms. Mary Murphy
Illinois Project Officer
U.S. Environmental Protection Agency
Region V 5 HS-13
230 South Dearborn Street
Chicago, Illinois 60604

Re: 1970750002 - Will County
Peotone/Custom Blended Oils, Inc.
ILD069503944
Compliance File

1970755008 - Will County
Peotone/Custom Cleaning Systems
ILD 984778266
Compliance File

Dear Ms. Murphy:

On February 26, 1991, the Illinois EPA referred a case involving the above referenced sites to the Illinois Attorney General's Office for enforcement action. The referral included RCRA violations. Enclosed you will find the referral letter which was sent to the Attorney General's Office.

Sincerely yours,

William D. Ingersoll
Associate Counsel
Division of Legal Counsel

WDI:PRJ:bh:5611B

cc: Paul Jagiello
Maywood Region
Division File

1/10/91 Meeting

NAME

AFFILIATION

PHONE

1) Allen Wojtas

USEPA

(312) 886-6194

(2) Philip Mole'

SUN ECO SYSTEMS

(708) 452-7701

(3) William C. Kallas

SUN ECO SYSTEMS

708-452-7701

(4) Dan Haduch

CUSTOM BLENDED OILS, INC.

312/821-4747

(5) Kim Haduch

CUSTOM BLENDED OILS, INC.

312/821-4747

(6) LORENE WINKLE

CUSTOM BLENDED OILS

(312) 821-4747

(7) Sandra R. Otake

USEPA, ORC

(312) 886-7151



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

DEC 21 1990

REPLY TO ATTENTION OF: 5CS-TUB-3

Ms. Lorene Winkle, President
Custom Blended Oils, Inc.
South Rathje Road
Post Office Box 720
Peotone, Illinois 60468

Re: Custom Blended Oils, Inc.
Docket No. V-W-90-R-21

Dear Ms. Winkle:

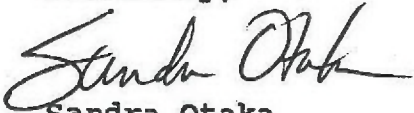
As I discussed yesterday with Mr. Mole, I had some concerns about your recently filed motion for extension of time.

First, I was not given an opportunity to review the motion before it was filed. If I had had the opportunity, I would have objected to the language used in the second paragraph stating that I "had no objections and would support the motion." U.S. EPA took no position on your request for an extension of time. Thus, we did not support your motion. We were prepared to proceed with the prehearing exchange. However, as you recently retained Sun Eco Systems, Inc., I stated we would raise no objections to your filing a motion for an extension of time.

Second, I disagree with your characterization of the conversation between Mr. Mole and myself on December 18, 1990. The U.S. EPA does not believe that there was any "misunderstanding in classifications" that would allow an exemption. While Sun Eco Systems, Inc. may raise these new arguments, my discussion with Mr. Mole did not suggest or infer that U.S. EPA gives credence to his arguments.

Hopefully, this clarifies matters. Also, as Judge Hoya granted your extension, please be advised that U.S. EPA plans to object to any further extension unless there is meaningful progress in subsequent discussions. If you have any questions, please do not hesitate to give me a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Otaka".

Sandra Otaka
Assistant Regional Counsel

cc: Judge Thomas W. Hoya
Allan Wojtas



217\782-5544

Refer to: 1970750002 -- Will County
Peotone/Custom Blended Oils, Inc.
ILD069503944
Compliance File

1970755008 -- Will County
Peotone/Custom Cleaning Systems
ILD984778266
Compliance File

November 15, 1990

CERTIFIED MAIL # _____
Return Receipt Requested

ENFORCEMENT NOTICE LETTER

Custom Blended Oils, Inc.
Attn: Mr. Ernest Winkel
P.O. Box 1040
Peotone, Illinois 60468

Dear Mr. Winkel:

The Agency conducted an inspection of the above-referenced facilities on May 14, 1990. This inspection revealed apparent non-compliance with the Illinois Environmental Protection Act (the "Act") and regulations adopted pursuant to the Act by the Illinois Pollution Control Board. A copy of each inspection report is attached. The apparent violations cited against Custom Blended Oils, Inc. are identified in Attachments A and B. The apparent violations cited against Custom Cleaning Services are identified in Attachment C.

Please be advised that this matter has been referred to the Agency's legal staff for the preparation of a formal enforcement case. The Agency intends to refer this matter to the Attorney General's office for the filing of a formal complaint.

In accordance with Section 31(d) of the Illinois Environmental Protection Act, The Agency will provide you with an opportunity to meet with appropriate Agency personnel in an effort to resolve such conflicts which could otherwise lead to the filing of a formal complaint. This meeting, if it is to be held, is required to be held within 30 days of your receipt of this notice unless the Agency agrees to a postponement.

RECEIVED
NOV 15 1990

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

Page 2

Please contact William Ingersoll of the Agency's legal staff at 217/782-5544 within seven days if you wish to schedule such a meeting, or at any time if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "William C Child".

William C. Child, Manager
Division of Land Pollution Control

WCC:TJM

cc: Division File
Maywood Region
Scott Phillips
Linda Cooper
William Ingersoll
Brian White
Todd Marvel

ATTACHMENT A

1. Pursuant to 35 Ill. Adm. Code 722.111, a person who generates a solid waste as defined in Section 721.102, must determine if that waste is a hazardous waste using the following method:

- a. He should first determine if the waste is excluded from regulation under Section 721.104.
- b. He must then determine if the waste is listed as a hazardous waste in Subpart D of Part 721.

Note: Even if a waste is listed, the generator still has an opportunity under Section 720.122 and 40 CFR Section 260.22 to demonstrate that the waste from his particular facility or operation is not a hazardous waste.

- c. If the waste is not listed as a hazardous waste in Subpart D of part 721, he must determine whether the waste is identified in Subpart C of Part 721 by either:

1. Testing the waste according to the methods set forth in Subpart C of Part 721, or according to an equivalent method approved by the Board under Section 720.120; or
2. Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

You are in apparent violation of Section 722.111 for the following reason(s): No waste analyses were present indicating a hazardous waste determination for two allegedly non-hazardous waste streams.

2. Pursuant to 35 Ill. Adm. Code 726.143(b)(6)(A), a marketer who first claims under subsection (b)(1) that used oil fuel meets the specification shall keep copies of analyses (or other information used to make the determination) of used oil for three years. Such marketers shall also record in an operating log and keep for three years the following information on each shipment of used oil fuel that meets the specification. Such used oil fuel is not subject to further regulation, unless it is subsequently mixed with used oil so that it no longer meets the specification.

ATTACHMENT A (cont.)

- i. The name and address of the facility receiving the shipment;
- ii. The quantity of used oil fuel delivered;
- iii. The date of shipment or delivery; and
- iv. A cross-reference to the record of used oil analysis (or other information used to make the determination that the oil meets the specification) required under subsection (b)(6)(A).

You are in apparent violation of 35 Ill. Adm. Code 726.143(b)(6)(A) for the following reason(s): Your facility has not maintained the required operating log and copies of analyses were not available at the time of the inspection.

ATTACHMENT B

1. Pursuant to 35 Ill. Adm. Code 809.302(b), no person shall deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.

You are in apparent violation of 35 Ill. Adm. Code 809.302(b) for the following reason(s): Your facility is accepting special waste without the necessary supplemental permits.

2. Pursuant to Section 21(d)(1) of the Illinois Environmental Protection Act, no person shall conduct any waste-storage, waste-treatment or waste-disposal operation without a permit issued by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder.

You are in apparent violation of Section 21(d)(1) of the Illinois Environmental Protection Act for the following reason(s): You are in violation of the following permit conditions identified in permits issued by the Agency.

- a. Development Permit No. 1981-28-DE issued June 10, 1981, special conditions no. 3 and 10.

1. Pursuant to special condition no. 3, special wastes received at the site for recovery shall be transported to the facility utilizing the Agency's supplemental permit system and manifest system.

You are in apparent violation of special condition no. 3 for the following reason(s): Your facility is accepting used oil for recovery without manifests or supplemental permits since the company admittedly has no current, valid authorization numbers to accept special waste.

2. Pursuant to special condition no. 10, a maximum of 10,000 gallons of waste oil may be accepted for recovery per day.

ATTACHMENT B (cont.)

You are in apparent violation of special condition no. 10 for the following reason(s):
Your facility has accepted as much as 40,000 gallons of waste oil for recovery in a day.

- b. Supplemental Permit No. 1984-29-SP issued April 20, 1984, special conditions no. 4, 6 and 12.

1. Pursuant to special condition no. 4, there shall be no hazardous waste accepted at this site.

You are in apparent violation of special condition no. 4 for the following reason(s):
Your facility (Custom Cleaning Systems), which is located on the subject property, has accepted spent mineral spirits (D001) from off-site generators for storage.

2. Pursuant to special condition no. 6, samples of incoming loads shall be retained at the facility for a period of three months from the date of sampling. Results of the sample analysis for each load shall be retained at the facility for a minimum of three years.

You are in apparent violation of special condition no. 6 for the following reason(s):
Results of sample analyses for incoming loads were not available at the time of the inspection, and it was unclear whether samples of incoming loads were being maintained for a minimum of three months.

3. Pursuant to special condition no. 12, this facility shall be developed in accordance with this Agency's Division of Air Pollution Control (DAPC) permit number 83050029, as well as the terms and conditions of this permit.

You are in apparent violation of special condition no. 12 for the following reason(s):
The DAPC permit #83050029 was due to expire on March 25, 1989. This permit has not been renewed.

- c. Operating Permit No. 1981-28-OP issued October 14, 1986, special condition no. 5.

1. Pursuant to special condition no. 5, the owner and/or operator must analyze and maintain copies

ATTACHMENT B (cont.)

of the analyses of all specifications used oil fuels for three years. An operating log must also be maintained which will record the following:

- a. the name and address of the facility receiving the shipment,
- b. the quantity of used oil fuel delivered,
- c. the date of shipment or delivery, and
- d. a cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specifications.

Copies of the above-described operating record must be kept at the facility for three years.

You are in apparent violation of special condition no. 5 for the following reason(s): The only available operating log contained entries only from the last few months. In addition, items a (address of receiving facility) and d above were not included in the operating log.

- d. Revised Operating Permit No. 1981-28-OP issued August 29, 1988, special conditions no. 3, 10, 11 and 13.
 1. Pursuant to special condition no. 3, no listed hazardous wastes shall be accepted at this facility. Only non-hazardous waste oils are permitted for acceptance at this facility for storage, processing and blending into specification used oil fuels, as defined in 35 IAC Section 726.140(e). The facility must require each generator shipping waste to the site to complete the generator certification in Attachment B prior to receiving any waste oil. The certification must become a part of the operating record and should be re-certified annually.

You are in apparent violation of special condition no. 3 for the following reason(s): The required generator certifications were not maintained in the operating record at the time of the inspection and there was no indication that re-certification was occurring annually.

ATTACHMENT B (cont.)

2. Pursuant to special condition no. 10, all used oil, processed used oil, specification used oil fuel and off-specification used oil fuel shipped to marketers, brokers or other intermediaries (who distribute but do not process or blend used oil fuel) shall be managed as a special waste and transported to these receiving sites using the Agency's special waste stream permit and manifest systems.

You are in apparent violation of special condition no. 10 for the following reason(s): Your facility's finished product, which is specification used oil fuel, is shipped on delivery tickets rather than manifests or supplemental waste stream permits.

3. Pursuant to special condition no. 11, the permittee shall analyze each shipment of blended used oil fuel which he/she claims meets the used oil specifications identified in 35 IAC 726.140(e) prior to shipping it off-site. The permittee shall maintain copies of these analyses at the facility for at least three years.

You are in apparent violation of special condition no. 11 for the following reason(s): Copies of analyses of specification used oil fuel were not available at the time of the inspection.

4. Pursuant to special condition no. 13, a daily operating record shall be maintained at the site. The operating record must be able to track waste streams as they pass through the facility. At a minimum, it must have the following entries for each shipment of waste received:

- a unique identification number for each shipment received
- the authorization number for the waste
- the generator's name
- the date received
- the amount received (gallons)
- cross-references to any incoming and outgoing laboratory analyses
- indication of, if the shipment was rejected

ATTACHMENT B (cont.)

The following types of facilities must also record these additional items in their operating records:

1. STORAGE FACILITY

- a. The date a waste is shipped off-site;
- b. The amount (gallons) shipped off-site;
- c. Name, address and ID number of receiving site;
- d. Authorization number (if the receiving site is in Illinois);
- e. Cross-reference to the unique incoming identification number;
- f. Monthly totals which show the amount of waste received and the amount of waste shipped off-site.

2. FUEL BLENDING FACILITY

- a. All the items for a storage facility;
- b. The amount and date of each shipment of waste oil, processed oil or used oil fuel off-site;
- c. Monthly totals for the amounts (gallons) of each type of fuel shipped off-site;
- d. Cross-reference to the laboratory analyses of the fuels.

You are in apparent violation of special condition no. 13 for the following reason(s): The operating record does not track waste streams as they pass through the facility. Missing information includes: unique identification number for each shipment, authorization number and cross-references to any incoming and outgoing laboratory analyses. In addition, items 1(c) (address and ID number of receiving site), (d), (e) and (f) were missing from the operating record as well as 2(a), (c) and (d).

3. Pursuant to Section 21(d)(2) of the Illinois Environmental Protection Act, no person shall conduct any waste-storage, waste-treatment or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

You are in violation of Section 21(d)(2) of the Illinois

ATTACHMENT B (cont.)

Environmental Protection Act for the following reason(s):
You are in violation of 35 Ill. Adm. Code 809.302(b), a regulation adopted by the Board under this Act, for acceptance of special waste without a permit.

4. Pursuant to Section 21(f) of the Illinois Environmental Protection Act, no person shall conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:
 - a. Without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or
 - b. In violation of any regulations or standards adopted by the Board under this Act; or
 - c. In violation of any RCRA permit filing requirement established under standards adopted by the Board under this Act; or
 - d. In violation of any order adopted by the Board under this Act.

You are in apparent violation of Section 21(f) of the Illinois Environmental Protection Act for the following reason(s): You did not comply with item b above.

5. Pursuant to Section 21(h) of the Illinois Environmental Protection Act, no person shall conduct any hazardous waste-recycling, hazardous waste-reclamation or hazardous waste-reuse operation in violation of any regulations, standards or permit requirements by the Board under this Act.

You are in apparent violation of Section 21(h) of the Illinois Environmental Protection Act for the following reason(s): Your facility is apparently operating in violation of its Agency permit and Board regulations.

6. Pursuant to Section 21(i) of the Illinois Environmental Protection Act, no person shall conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the

ATTACHMENT B (cont.)

Board under subsections (a) and (c) of Section 22.4 of this Act.

You are in apparent violation of Section 21(i) of the Illinois Environmental Protection Act for the following reason(s): Your facility is apparently operating in violation of Board regulations.

ATTACHMENT C

1. Pursuant to 35 Ill. Adm. Code 703.121(a), no person shall conduct any hazardous waste storage, hazardous waste treatment or hazardous waste disposal operation:

1. Without a RCRA permit for the HWM (hazardous waste management) facility; or
2. In violation of any condition imposed by a RCRA permit.

You are in apparent violation of 35 Ill. Adm. Code 703.121(a) for the following reason(s): Your facility is apparently conducting a hazardous waste storage operation without a RCRA permit.

2. Pursuant to 35 Ill. Adm. Code 703.150(a), the owner or operator of an existing HWM facility or of an HWM facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit must submit Part A of the permit application to the Agency no later than the following times, whichever comes first:

1. Six months after the date of publication of regulations which first require the owner or operator to comply with standards in 35 Ill. Adm. Code 725; or
2. Thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725;
3. For generators which generate greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and treat, store or dispose of these wastes on-site, by March 24, 1987.

You are in apparent violation of 35 Ill. Adm. Code 703.150(a) for the following reason(s): Your facility failed to submit Part A and Part B of the permit application to the Agency within the specified time frames.

3. Pursuant to 35 Ill. Adm. Code 725.212(a), the owner or operator of a hazardous waste management facility shall have a written closure plan. Until final closure is completed and certified in accordance with Section 725.215, a copy of the most current plan must be furnished

ATTACHMENT C (cont.)

to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections on the day of inspection to any officer, employee or representative of the Agency.

You are in apparent violation of 35 Ill. Adm. Code 725.212(a) for the following reason(s): A closure plan was not available at the time of the inspection.

4. Pursuant to 35 Ill. Adm. Code 725.242(a), the owner or operator shall have detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 725.211 through 725.215 and applicable closure requirements of Sections 725.297, 725.328, 725.358, 725.380, 725.451, 725.481 and 725.504.
 1. The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see Section 725.212(b)); and
 2. The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of "parent corporation" in Section 725.241(d).) The owner or operator may use costs for on-site disposal capacity will exist at all times over the life of the facility.
 3. The closure cost estimate must not incorporate any salvage value that may be realized by the sale of hazardous wastes, facility structures or equipment, land or other facility assets at the time of partial or final closure.
 4. The owner or operator shall not incorporate a zero cost for hazardous waste which may have economic value.

You are in apparent violation of 35 Ill. Adm. Code 725.242(a) for the following reason(s): A closure cost estimate was not available at the time of the inspection.

5. Pursuant to 35 Ill. Adm. Code 725.273(a), a container holding hazardous waste must always be closed during

ATTACHMENT C (cont.)

storage, except when it is necessary to add or remove waste.

You are in apparent violation of 35 Ill. Adm. Code 725.273(a) for the following reason(s): A container of hazardous waste was observed being stored open.

6. Pursuant to 35 Ill. Adm. Code 725.273(b), a container holding hazardous waste must not be opened, handled or stored in a manner which may rupture the container or cause it to leak.

You are in apparent violation of 35 Ill. Adm. Code 725.273(b) for the following reason(s): A container of hazardous waste was being stored in a manner which may cause the container to leak.

7. Pursuant to 35 Ill. Adm. Code 725.274, the owner or operator must inspect areas where containers are stored at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

You are in apparent violation of 35 Ill. Adm. Code 725.274 for the following reason(s): Your facility failed to conduct weekly inspections of the container storage area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

NOV 06 1990

REPLY TO ATTENTION OF: 5HR-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Daniel Haduch
Custom Blended Oils, Inc.
South Rathje Road
Peotone, Illinois 60468

Re: Consent Agreement and
Final Order
Custom Blended Oils, Inc.
Docket No.: V-W-90-R-21

Dear Mr. Haduch:

This letter is being written in response to a phone call between yourself and Allen Wojtas of my staff on November 2, 1990. During the call, Mr. Wojtas explained to you that the United States Environmental Protection Agency (U.S. EPA) would need additional financial information to supplement the corporate tax returns already provided in order to adequately assess your claim that Custom Blended Oils, Inc. does not have the resources to support the proposed civil penalty of \$85,750. As you know, the discussion of Custom Blended Oils, Inc.'s ability to pay the proposed penalty is the only settlement issue left unresolved. Therefore, the following information is needed by U.S. EPA to complete it's evaluation:

- * personal tax returns for Ernest and Lorene Winkle from 1984 to present;
- * an itemized list of assets available for the total assets valued at \$339,049 (IRS Form 1120 (1988));
- * a schedule for total depreciation of \$114,444 (IRS Form 1120 (1988));
- * information supporting what happened to E & L Tank Cleaners, Inc.'s assets when they liquidated in 1987; and
- * information explaining how Custom Blended Oils, Inc.'s assets are valued (market value or book value).

In addition, Mr. Wojtas informed you that the need for supplemental information and the time necessary for U.S. EPA to evaluate it would require that U.S. EPA proceed to make a motion for extension to Judge Hoya. At this time, U.S. EPA anticipates that an additional 30 days to December 15, 1990

would be sufficient if Custom Blended Oils, Inc. can provide the above-mentioned information by November 16, 1990.

If you have any questions regarding this matter, please phone Allen Wojtas of my staff at (312) 886-6194.

Sincerely yours,



William E. Muno, Chief
RCRA Enforcement Branch



RECEIVED
OCT 5 - 1990

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

CHICAGO LINE 312 / 821-4747
PEOTONE LINE 312 / 258-6881
P. O. BOX #41
PEOTONE, IL 60468

Quality Blended Fuel Oils

October 3, 1990

Waste Management Division
U.S. E.P.A. Region 5
230 S. Dearborn St.
Chicago, IL 60604
Attn: Allen T. Wojtas

RE: Response to settlement
Negotiations of 9/27/90.

Dear Mr. Wojtas,

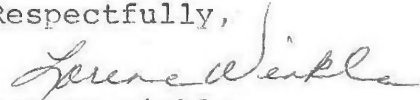
This letter will serve as a response to the negotiations between Custom Blended Oils, Inc. and U.S. E.P.A. These negotiations were conducted in good faith by Custom Blended Oils, Inc. and this letter will reiterate our inability to comply with the proposed penalty.

As shown by our income tax returns, Custom Blended Oils is unable to pay a substantial penalty. We have corrected or are in the process of correcting any violations to achieve compliance with Federal Regulations.

Custom Blended Oils, does not have funds to pay a penalty, but will undertake to borrow if necessary and pay the amount of \$10,000.00. With the permission of U.S. E.P.A., Custom Blended Oils will pay \$2,500.00 upon the effective date of the Final Order. Additionally, Custom Blended Oils will pay \$2,500.00 every 90 days until the full amount has been reached.

Custom Blended Oils continues to express its desire to comply with all regulations set forth by U.S. E.P.A. and to reaffirm its willingness to co-operate.

Respectfully,


Lorene Winkle

cc/kh

9/27/90 Meeting w/ Custom Blended Oils

- 1) Allen T. Wojtas USEPA (312) 886-6194
- 2) Laura Lodisio U.S. EPA (312) 886-7090
- 3) Lorene Winkler C.B.O. (312) 821-4747
- 4) Kim Haduch C.B.O. (312) 821-4747
- 5) DAN Haduch C.B.O. (312) 821-4747
- 6) Sandra R. Oata USEPA (312) 886-7151



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

SEP 12 1990

REPLY TO THE ATTENTION OF:

5HR-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Daniel Haduch
Custom Blended Oils, Inc.
South Rathje Road
Peotone, Illinois 60468

Re: Consent Agreement and
Final Order
Custom Blended Oils, Inc.
Docket No.: V-W-90-R-21

Dear Mr. Haduch:

I have enclosed herewith a Consent Agreement and Final Order (CAFO). Please review the CAFO and if acceptable have the two originals signed by the appropriate party or parties within two weeks of your receipt of this letter and return them to me. The United States Environmental Protection Agency will then sign both documents and return one to you.

Please contact me at (312) 886-7151, if there are any questions.

Sincerely yours,

A handwritten signature in cursive script, reading "Sandra R. Otaka", is written over the typed name.

Sandra Otaka
Assistant Regional Counsel



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

5HR-12

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. Daniel Haduch
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South Rathje Road
Peotone, Illinois 60468

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Please contact me at (312) 886-7151, if there are any questions.

Sincerely yours,

Sandra Otaka
Assistant Regional Counsel

REB
ATW 9/11/90

ORC	ASST. REGIONAL COUNSEL	S.W.E.R. SECTION CHIEF	S.W.E.R. BR. CHIEF	REGIONAL COUNSEL
INIT. DATE	<i>9/12/90</i>	<i>MMR</i> <i>9/12/90</i>		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:	)	DOCKET NO. V-W-90-R-21
)	
CUSTOM BLENDED OILS, INC.	)	CONSENT AGREEMENT AND
SOUTH RATHJE ROAD	)	FINAL ORDER
PEOTONE, ILLINOIS 60468)	
)	
EPA ID No.: ILD 069 503 944)	

PREAMBLE

On June 14, 1990, a Complaint was filed in this matter pursuant to Section 3008(a) (1) of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. Section 6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Associate Director, Office of RCRA, Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is Custom Blended Oils, Inc., South Rathje Road, Peotone, Illinois.

STIPULATIONS

The parties, desiring to settle this action, enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint, Findings of Violation and Compliance Order (Docket No. V-W-90-R-21) in this matter.
2. Respondent is an Illinois Corporation whose registered agent is David B. Sosin. Respondent owns and operates a facility located at South Rathje Road, Peotone, Illinois (the "facility").
3. Respondent admits the jurisdictional allegations contained in the Complaint.

4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint other than admissions made in Respondent's Answer.

5. Respondent explicitly waives its right to a hearing on the allegations contained in the Complaint.

6. Should the Respondent fail to comply with any provision contained in the subsequent Final Order, Respondent waives any rights it may possess in law or equity to challenge the authority of the U.S. EPA to bring a civil action in the appropriate United States district court to compel compliance with the Final Order and/or to seek an additional penalty for the non-compliance.

7. Respondent consents to the issuance of the Order hereinafter set forth and hereby consents to the payment of a civil penalty in the amount therein specified.

8. On May 17, 1982, the State of Illinois was granted Phase I Interim Authorization by the Administrator of U.S. EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. §6926(b), to administer a hazardous waste program in lieu of the Federal program. See 47 Fed. Reg. 21,043. On January 30, 1986, the State of Illinois received final authorization. See 51 Fed. Reg. 3778. As a result, generators, transporters and treatment, storage or disposal facilities are regulated under Illinois provisions found at 35 Ill. Adm. Code Parts 720 through 725, rather than the Federal regulations set forth at 40 CFR Part 260 et seq. Final authorization for additional program revisions including 35 Ill. Adm. Code 726 was granted to the State of Illinois on April 30, 1990. See 55 Fed. Reg. 7320. Section 3008(a)(2) of RCRA, 42 U.S.C. §6928(a)(2),

provides that U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program.

9. This Consent Agreement and Final Order shall become effective on the date it is signed by the Director, Waste Management Division.

FINAL ORDER

Based on the foregoing stipulations, the Parties agree to the entry of the following Final Order:

A. Respondent shall, immediately upon this Order becoming final, achieve and maintain compliance with the standards applicable to marketers of used oil fuel pursuant to 35 Ill. Adm. Code 726.143 (40 CFR 266.43) including: (1) analysis of used oil fuel; (2) meeting the prohibitions under 35 Ill. Adm. Code 726.141(a) (40 CFR 266.41(a)); (3) invoice system requirements; (4) obtaining the required notices from burners and/or other marketers; and (5) keeping an operating log for shipments of on-specification used oil fuel.

B. Respondent shall, immediately upon this Order becoming final, not accept from off-site for storage, without a permit, any hazardous waste or hazardous waste fuel, for energy recovery. Any marketing of hazardous waste fuel must comply with the requirements of 35 Ill. Adm. Code 726.134 (40 CFR 266.34) including applicable provisions of 35 Ill. Adm. Code 722.134 (40 CFR 262.34), and Subparts A through L of 35 Ill. Adm. Code 724 (40 CFR Part 264), Subparts A through L of 35 Ill. Adm. Code 725 (40 CFR Part 265), 35 Ill. Adm. Code 702 (40 CFR Part 270), which are referenced in 35 Ill. Adm. Code

726.134(c) (40 CFR 266.34(c)). Used oil marketed or burned for energy recovery containing more than 1000 ppm of total halogens is presumed to be a hazardous waste listed in 35 Ill. Adm. Code 721, Subpart D (40 CFR 261, Subpart D) and is subject to regulation as a hazardous waste fuel under 35 Ill. Adm. Code 726, Subpart D (40 CFR 266, Subpart D). Respondent may rebut this presumption by demonstrating that the used oil does not contain hazardous waste pursuant to 35 Ill. Adm. Code 726.140 (40 CFR 266.40).

C. Respondent shall, within 15 days of this Order becoming final, cease all transportation of any hazardous waste, or achieve and maintain compliance with the requirements of 35 Ill. Adm. Code Part 723 (40 CFR Part 263), including notification of U.S. EPA and the Illinois Environmental Protection Agency (IEPA) of hazardous waste transportation activities pursuant to 35 Ill. Adm. Code 723.11 (40 CFR 263.11). Respondent shall not store hazardous waste for more than 10 days as a transporter. Pursuant to 35 Ill. Adm. Code 723.112 (40 CFR 263.12), any storage of hazardous waste for greater than 10 days at a transfer facility is subject to the requirements of 35 Ill. Adm. Code Part 702, 703 and 724 (40 CFR Parts 264 and 270), including the requirements to obtain a permit for such storage.

D. Respondent shall, within 15 days of this Order becoming final, submit to U.S. EPA the analysis supporting a determination of whether the tank bottom sludge is a hazardous waste consistent with 35 Ill. Adm. Code 722.111 (40 CFR 262.11). If it is determined that the sludge is a hazardous waste, it shall be managed in accordance with the standards for generators and/or treatment, storage or disposal facilities found at 35 Ill. Adm. Code Parts 722 and 724 (40 CFR Parts 262 and 264).

E. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order or any part thereof. The notification(s) of compliance shall be attested to by a responsible official who shall state:

"I certify that the information contained in or accompanying this notification of compliance is true, accurate, and complete."

This notification shall be submitted no later than the time stipulated above to the Waste Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: Allen T. Wojtas, RCRA Enforcement Branch, 5HR-12.

F. A copy of these documents and all correspondence with U.S. EPA regarding this Final Order shall also be submitted to: Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, Attention: Gary King.

G. Respondent shall pay a civil penalty in the amount of EIGHTY-FIVE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$85,750) within thirty (30) days of the effective date this Final Order. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States of America and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division (5MF-14), and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel (5CS-TUB-3), U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

The U.S. EPA may collect interest on any amounts overdue under the terms of this Final Order at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. Section 3717. A late payment handling charge of \$20.00 will be imposed on any late payment, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains.

Failure to comply with any requirement of this Final Order may subject Respondent to liability for a penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued non-compliance with the terms of the Final Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

This Final Order constitutes a settlement and final disposition of the Complaint filed in this case and stipulations hereinbefore recited.

Notwithstanding any other provision of this Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. Section 6973, or other statutory authority should U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the facility may present an imminent and substantial endangerment to health or the environment. U.S. EPA also expressly reserves the right to take any action necessary under Section 3008 of RCRA to enforce compliance with the applicable provision of 35 Ill. Adm. Code Parts 720-726; 40 CFR Parts 124 and 270; and this Final Order.

SIGNATORIES

Each undersigned representative of a Party to this Consent Agreement and Final Order consisting of four pages certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such party to this document.

Agreed to this _____ day of _____, 1990.

By _____
For Custom Blended Oils, Inc.
Respondent

Title _____

Agreed this _____ day of _____, 1990.

By _____
William E. Muno, Acting Associate Director
Office of RCRA
Waste Management Division
U.S. Environmental Protection Agency
Region V, Complainant

The above being agreed and consented to, it is so ordered

this _____ day of _____, 1990.

David A. Ullrich, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V

IN THE MATTER OF:
CUSTOM BLENDED OILS, INC.
SOUTH RATHJE ROAD
PEOTONE, ILLINOIS 60468
DOCKET NO. V-W-90-R-21

8/24/90

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of)	
)	
Quality Blended Oils, Inc.,	)	Docket No. V-W-90-R-21
)	
Respondent)	

NOTICE AND ORDER

This Notice and Order supplements the July 23, 1990 Order of Designation issued by Henry B. Frazier, III, Chief Administrative Law Judge, Environmental Protection Agency designating the undersigned to preside over this proceeding. As stated in the Order of Designation, this proceeding is conducted under Section 3008 of the Solid Waste Disposal Act, as amended (42 U.S.C. § 6928), and the designation of the undersigned was made pursuant to Section 22.21(a) of the Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits (40 C.F.R. § 22.21(a)). The address of the undersigned is:

Thomas W. Hoya
Administrative Law Judge
U.S. Environmental Protection
Agency
Mail Code A-110
401 M Street, S.W.
Washington, D.C. 20460

Counsel for Complainant is directed to file a statement, by September 15, 1990, on the status of any negotiations to settle this matter. The policy of the Environmental Protection Agency

regarding settlement is set forth in Section 22.18(a) of the Agency's Consolidated Rules of Practice (40 C.F.R. § 22.18(a)).

If the above statement by Counsel for Complainant does not report a settlement of this matter, both parties are directed to make, by October 15, 1990, the prehearing exchange outlined below. This prehearing exchange, as authorized by Section 22.19(e) of the Consolidated Rules of Practice (40 C.F.R. § 22.19(e)), will accomplish some of the objectives of a prehearing conference. The original of each party's prehearing exchange shall be filed with the Regional Hearing Clerk, and copies, with any attachments, shall be sent to the opposing party and to the undersigned (see Section 22.05 of the Consolidated Rules of Practice (40 C.F.R. § 22.05)).

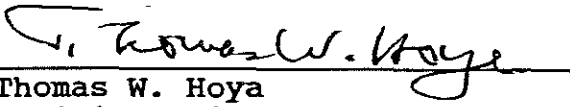
Both Complainant and Respondent shall, in such prehearing exchange, set forth the following:

1. desired location of the hearing (see Sections 22.21(d) and 22.19(d) of the Consolidated Rules of Practice (40 C.F.R. §§ 22.21(d), 22.19(d)));
2. "the names of the expert and other witnesses" intended to be called at the hearing, "together with a brief narrative statement of their expected testimony" (Section 22.19(b) of the Consolidated Rules of Practice (40 C.F.R. § 22.19(b))); and
3. "copies of all documents and exhibits" intended to be introduced into evidence (Section 22.19(b) of the Consolidated Rules of Practice (40 C.F.R. § 22.19(b))), with each to be identified as Complainant's or Respondent's exhibit, as appropriate, and an Arabic numeral (e.g., "Complainant's Ex.

1").

Complainant shall, in such prehearing exchange, in addition set forth the method of calculation of and the justification for the civil penalty proposed in the Complaint.

Respondent shall, in such prehearing exchange, in addition set forth the factual and legal justification for the denials made on the first and last pages and in paragraphs 1 and 9-23 of the Answer.


Thomas W. Hoya
Administrative Law Judge

Dated: August 24, 1990

IN THE MATTER OF QUALITY BLENDED OILS, INC., Respondent
Docket No. V-W-90-R-21

CERTIFICATE OF SERVICE

I certify that the foregoing Order Setting Prehearing Procedures, dated August 24, 1990, was sent in the following manner to the addressees listed below:

Original by Regular Mail to:

Ms. Beverly Shorty
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 5
230 South Dearborn Street
Chicago, IL 60604

Copy by Certified Mail, Return
Receipt Requested to:
Counsel for Complainant:

Marc M. Radell, Esquire
Office of Regional Counsel
U.S. Environmental Protection
Agency, Region 5
(5CS-TUB-3)
230 South Dearborn Street
Chicago, IL 60604

Counsel for Respondent:

Kimberly L. Haduch
Assistant Secretary
Quality Blended Fuel Oils
P.O. Box #41
Peotone, IL 60468

Beverly W. Lavis
Beverly W. Lavis
Secretary

Dated: August 24, 1990
Washington, D.C.



CHICAGO LINE 312 / 821-4747
PEOTONE LINE 312 / 258-6881
P. O. BOX #41
PEOTONE, IL 60468

Quality Blended Fuel Oils

August 9, 1990

HAND DELIVERED

Mr. Allen Wojtas
RCRA Enforcement Branch (5HR-12)
U.S. Environmental Protection Agency
230 S. Dearborn Street
Chicago, IL 60604

Re: U.S. EPA v. Custom Blended Oils, Inc.
USEPA No. V-W 90 R-21

Dear Mr. Wojtak:

During a brief period in late 1988 and early 1989, we had retained the law firm of John L. Parker & Associates, Ltd., Chicago, Illinois, to assist us in our correspondence with U.S. EPA. We did not thereafter retain this firm, and this firm does not presently represent us in this proceeding.

We have, however, requested that John L. Parker of this firm attend our meeting with you this morning, mainly to assist us in understanding the basis for your Complaint and to see if there is some way we can resolve this matter at this time. Mr. Parker has not been retained to assist us after today's meeting with you is concluded.

Very truly yours,

CUSTOM BLENDED OILS, INC.

By Kimberly L. Haduch
Kimberly L. Haduch
Assistant Secretary

cc: Mr. Marc M. Radell
Office of Regional Counsel (5CS-TUB-3)
(mailed)

IN DATE

RATING CHANGE

DUNS: 06-950-3944
E & L TANK CLEANERS INC

DATE PRINTED
AUG 09 1990

RATING NQ
FORMERLY
CB2
STARTED 1968
EMPLOYS 10

BOX 1041
PEOTONE IL 60468
RATHJE RD, SOUTH ABOUT 1 MILE
FROM PEOTONE-WILMINGTON RD
PEOTONE IL 60468
TEL: 708 258 6881

COLLECTS
INDUSTRIAL OIL
WASTE
SIC NOS.
42 12 76 99

CHIEF EXECUTIVE: ERNEST WINKLE, PRES

SPECIAL EVENTS

12/04/89 On Nov 30 1989 Kim Winkle, spokesperson, stated that the company was a division of Custom Blended Oils, Inc and operations ceased at the end of 1988. Local authorities show no business activity. Outstanding debt, if any, is undetermined.

08-09(752 /752)

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002

FULL DISPLAY COMPLETE

IN DATE

Statement Date: SEP 30 1989

DUNS: 18-185-6501
CUSTOM BLENDED OILS, INC.

DATE PRINTED
AUG 09 1990

SUMMARY
RATING CB3

BOX 1041
PEOTONE IL 60468
RATHJE RD
AND BRANCH(ES) OR DIVISION(S)
(SOUTH 1 MILE FROM PEOTONE-
WILMINGTON RD)
PEOTONE IL 60468
TEL: 708 258-6881

WHOL WASTE OIL
SIC NO.
50 93

STARTED 1968
PAYMENTS SEE BELOW
SALES F \$1,579,638
WORTH \$175,750
EMPLOYS 22 (14 HERE)
HISTORY CLEAR
CONDITION GOOD

CHIEF EXECUTIVE: ERNEST WINKLE, PRES

PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)						
REPORTED	PAYING RECORD	HIGH CREDIT	NOW OWES	PAST DUE	SELLING TERMS	LAST SALE WITHIN
06/90	Ppt	10000	5000			1 Mo
	Ppt	7500	5000	-0-		1 Mo
	Slow 5	500	-0-	-0-		1 Mo
04/90	Slow 90	250	-0-	-0-	N30	6-12 Mos
	(005)	250	-0-	-0-		6-12 Mos
12/89	Ppt-Slow 45	2500	2500	1000		1 Mo
11/89	Slow 180	25000	250		Regular terms	1 Mo
09/89	Slow 60	100	100	100		
07/89	Ppt	250				

* Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

* Each experience shown represents a separate account reported by a supplier. Updated trade experiences replace those previously reported.

FINANCE
03/01/90

	Interim Sep 30 1987	Fiscal Sep 30 1989
Curr Assets	282,163	274,922
Curr Liabs	58,239	159,558
Current Ratio	4.84	1.72
Working Capital	223,924	115,364
Other Assets	112,245	229,612
Worth	121,864	175,750
Sales	1,586,705	1,579,638
Long Term Liab	214,215	169,226
Net Profit (Loss)		38,893

Fiscal statement dated SEP 30 1989:

Cash	\$	35,655	Accts Pay	\$	82,529
Accts Rec		122,615	Commission		

Inventory	84,717	Payable	3,177
Prepaid Interest	28,265	Taxes	13,410
Employee Advances	3,670	Current Portion of Long-Term Debt	60,442
-----		-----	
Curr Assets	274,922	Curr Liabs	159,558
Fixt & Equip	224,602	Long-Term Debt	169,226
Investment in E & L Tank Cleaners	5,010	CAPITAL STOCK	10,000
		RETAINED EARNINGS	165,750
-----		-----	
Total Assets	504,534	Total	504,534

From OCT 01 1988 to SEP 30 1989 sales \$1,579,638; cost of goods sold \$975,570. Gross profit \$604,068; operating expenses \$517,512. Operating income \$86,556; other expenses \$47,663; net income before taxes \$38,893. Net income \$38,893. Retained earnings at start \$126,857. Net income \$38,893; retained earnings at end \$165,750. Monthly rent \$2,000.

Statement received by mail MAR 01 1990. Prepared from statement(s) by Accountant: R. Ray Simpson.

ACCOUNTANTS OPINION: "The accompanying balance sheet of Custom Blended Oils, Inc. as Sep 30 1989, and the related statements of income and expense and changes in retained earnings for the twelve months then ended have been compiled by me".

"A compilation is limited to presenting in the form of financial statements information that is the representation of management. I have not audited or reviewed the accompanying financial statements, and accordingly, do not express an opinion on them".

"Management has elected to omit substantially all of the disclosures and the statements of changes in financial position required by generally accepted accounting principles. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the company's financial position, results of operations and changes in financial position. Accordingly, these financial statements are not designed for those who are not informed about such matters".

--0--

Fixed assets shown net less \$114,444 depreciation. E & L Tank Cleaners was phased out in Jul 1989. Employee advances are unsecured.

Long-term debt (including current portion) is due on equipment, secured by the same. Other expenses is depreciation expense.

On MAR 01 1990 Fran Winkle, office manager, submitted the above figures as still representative.

Working capital covers 72% of debt.

PUBLIC FILINGS

The following data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.

* * * UCC FILING(S) * * *

LLATERAL: Vehicles and proceeds - Specified Equipment
FILING NO: 2407679 DATE FILED: 03/31/1988
TYPE: Original FILED WITH: Secretary of State,
SEC. PARTY: CIT Group/Equipment Financing, IL
Park Ridge, IL

COLLATERAL: Vehicles and proceeds - Specified Equipment
FILING NO: 2342524 DATE FILED: 10/14/1987
TYPE: Original FILED WITH: Secretary of State,
SEC. PARTY: CIT Group/Equipment Financing, IL
Park Ridge, IL

COLLATERAL: Specified Equipment
FILING NO: 2424548 DATE FILED: 05/10/1988
TYPE: Original FILED WITH: Secretary of State,
SEC. PARTY: Municipal Trust & Savings Bank, IL
Bourbonnais, IL

COLLATERAL: Leased Business machinery/equipment
FILING NO: 2669186 DATE FILED: 01/19/1990
TYPE: Original FILED WITH: Secretary of State,
SEC. PARTY: CHANCELLOR FINANCIAL LEASE INC, IL
OMAHA, NE
ASSIGNEE: LEASE AMERICA, CEDAR RAPIDS, IA

The public record items reported above under "PUBLIC FILINGS"
and "UCC FILINGS" may have been paid, terminated, vacated
or released prior to the date this report was printed.

BANKING

11/89 Account(s) averages medium 5 figures. Loans granted to low 6
figures. Now owing low 6 figures. Matures in 1 to 5 years.
Borrowing account is fair. Overall relations are satisfactory.

HISTORY

03/01/90

ERNEST WINKLE, PRES RONALD WINKLE, V PRES
LORAIN WINKLE, SEC-TREAS
DIRECTOR(S): THE OFFICER(S)

Incorporated Illinois Jun 3 1982. Authorized capital consists of
1,000 shares common stock, unstated par value.

Business started 1968 by Ernest and Loraine Winkle. 100% of
capital stock is owned by officers.

ERNEST WINKLE, born 1926 married. 1948-68 employed by M L T
Inc., Chicago, IL, as truck driver. 1968-present active here.

RONALD WINKLE, born 1950 single. 1970-present active here.

LORAIN WINKLE, born 1930 married. 1951-67 a homemaker.
1968-present active here.

OPERATION

03/01/90

Wholesales reprocessed waste oil (100%).

Sells on net 10 day terms. Has 14-16 accounts. Sells to industrial concerns. Territory : Midwest.

Nonseasonal.

EMPLOYEES: 22 including officers. 14 employed here.

FACILITIES: Rents 3,750 sq. ft. in 1 story steel building in normal condition.

LOCATION: Rural section on side street.

BRANCHES: The company has a branch location in Greenfield, IN with similiar operations.

Municipal Trust and Savings Bank, Bourbonnais, IL

08-09(9AU /026) 00000 002 165 H

FULL DISPLAY COMPLETE

IN DATE

Statement Date: MAR 31 1988

received 3/27/89

DUNS: 06-950-3944
E & L TANK CLEANERS INC

DATE PRINTED
MAR 21 1989

SUMMARY
RATING CB2

BOX 1041
PEOTONE IL 60468
RATHJE RD, SOUTH ABOUT 1 MILE
FROM PEOTONE-WILMINGTON RD
PEOTONE IL 60468
TEL: 312 258-6881

COLLECTS
INDUSTRIAL OIL
WASTE
SIC NOS.
42 12 76 99

STARTED 1968
PAYMENTS SEE BELOW
SALES F \$632,598
WORTH F \$173,682
EMPLOYS 10
HISTORY CLEAR
CONDITION GOOD

CHIEF EXECUTIVE: ERNEST WINKLE, PRES

PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)

REPORTED	PAYING RECORD	HIGH CREDIT	NOW OWES	PAST DUE	SELLING TERMS	LAST SALE WITHIN
02/89	Ppt	250	250	-0-	2 10 Prox	1 Mo
	Ppt	50	50	-0-	N15	1 Mo
	(003)	15000	5000	-0-	Sell by note	
11/88	(004)	250	250	250		6-12 Mos
10/88	Ppt	2500	250		N10	
09/88	Ppt	10000	250		5 10 N30	
07/88	Slow 5	2500	2500			1 Mo

* Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

* Each experience shown represents a separate account reported by a supplier. Updated trade experiences replace those previously reported.

FINANCE

A CONSULTING SERVICE IS AVAILABLE TO ASSIST YOU IN REVIEWING THIS ACCOUNT FURTHER. PLEASE CALL (800) 223 - 0141 TO SPEAK WITH A DUNS ACCOUNT CONSULTANT.

01/25/89

	Fiscal Mar 31 1986	Fiscal Mar 31 1987	Fiscal Mar 31 1988
Curr Assets	133,066	37,209	25,263
Curr Liabs	134,213	85,138	63,616
Current Ratio	.99	.43	.39
Working Capital	(1,147)	(47,929)	38,353
Other Assets	166,099	235,101	286,649
Worth	97,652	126,596	173,682
Sales	1,198,654	816,584	632,598
Net Income	(73,826)	29,024	46,006

Fiscal statement dated MAR 31 1988:

Cash	\$ 4,472	Accts Pay	\$ 5,707
Accts Rec	2,288	Taxes	7,625
Employee Advances	1,986	Loans & Adv-Print	17,677
Ppd Interest	16,517	Note Pay	32,607

OFFICE OF RCI
Waste Management D
U.S. EPA, REGION

MAR 27 1989

RECEIVED

Curr Assets	25,263	Curr Liabs	63,616
Fixt & Equip	85,192	L.T. Note Pay	74,614
Other Assets	201,457	CAPITAL STOCK	25,000
		RETAINED EARNINGS	148,682
Total Assets	311,912	Total	311,912

From APR 01 1987 to MAR 31 1988 sales \$632,598. Operating expenses \$536,342. Operating income \$96,256; other expenses \$44,426; net income before taxes \$51,830; Federal income tax \$5,824. Net income \$46,006. Retained earnings at start \$106,676. Net income \$46,006; retained earnings at end \$148,682.

Prepared from statement(s) by Accountant: R. Ray Simpson.
Prepared from books without audit.

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Fixed assets shown net less \$396,314 depreciation. Other assets consist of unsecured loans to stockholders, investments in affiliate, stocks and sales tax bond.

Note payable consists of loan for purchase of equipment and secured by same. Officer loan is due on demand and unsecured.

On JAN 09 1989 Ernest Winkle, president, deferred financial information.

Condition is good. Debt is moderate in relation to equity. Bills are paid in an overall prompt manner.

PUBLIC FILINGS

01/25/89 On 12-28-87, a suit in the amount of \$1,761 was filed against E & L Tank Cleaners Inc by Lenza Oil Peoria in Circuit Court (Docket #87M1-199614).

UCC FILINGS

01/25/89 Financing Statement #2467598 filed 08-25-88 with Secretary, State of IL. Debtor: E & L TANK CLEANERS INC, PEOTONE, IL 60468. Secured Party: FAMILY BANK, UNIVERSITY PARK, IL 60466. Collateral: specified equipment, vehicle(s) and proceeds.

01/25/89 Financing Statement #2262529 filed 04-01-87 with Secretary, State of IL. Debtor: E & L Tank Cleaners Inc, Peotone, IL. Secured Party: CIT Group/Equip Fin Inc, Glen Ellyn, IL. Collateral: specified vehicle(s), equipment and proceeds.

01/25/89 Financing Statement #210040 filed 02-04-86 with Secretary, State of IL. Debtor: E & L Tank Cleaners Inc, Peotone, IL. Secured Party: Municipal Trust & Savings Bank, Bourbonnais, IL. Collateral: specified equipment.

The public record items reported above under "PUBLIC FILINGS" and "UCC FILINGS" may have been paid, terminated, vacated or released prior to the date this report was printed.

HISTORY

01/25/89

ERNEST WINKLE, PRES
LORAIN WINKLE, SEC-TREAS
DIRECTOR(S): THE OFFICER(S)

RONALD WINKLE, V PRES

24
Division
V

ED

Incorporated Illinois Jul 1 1975. Authorized capital consists of 100,000 shares common stock, \$1 par value.

Business started 1968 by Ernest Winkle. 100% of capital stock is owned by Ernest Winkle.

ERNEST WINKLE, born 1926 married. 1948-68 employed by M L T Inc., Chicago, IL, truck driver. He is also an officer in Custom Blended Oils, Inc.

RONALD WINKLE, born 1950 single. 1970-present active here. He is also an officer in Custom Blended Oils, Inc.

LORAIN WINKLE, born 1930 married. 1951-67 a homemaker. 1968-present active here. She is also an officer in Custom Blended Oils, Inc., Peotone, IL.

AFFILIATE: Custom Blended Oils, Inc., started 1982. Wholesaler of reprocessed oil. Intercompany relations include loans on special terms.

OPERATION

01/25/89

Collects industrial oil waste (85%) and operates a cleaning service for fuel oil tankers (15%).

Terms are net 10 days. Has 30 accounts. Sells to industrial concerns. Territory : Midwest.

Nonseasonal.

EMPLOYEES: 10 including officers.

FACILITIES: Rents 3,750 sq. ft. in 1 story metal building in normal condition. These facilities are personally owned by officers. Located on 5 acres of land.

LOCATION: Rural section on side street.

03-21(750 /25)

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Municipal Trust and Savings Bank, 720 Main St, Bourbonnais, IL

FULL DISPLAY COMPLETE

IN DATE

Statement Date: SEP 30 1987

received 3/27/89

DUNS: 18-185-6501
CUSTOM BLENDED OILS, INC.

DATE PRINTED
MAR 21 1989

SUMMARY
RATING CC3

BOX 1041
PEOTONE IL 60468
RATHJE RD
AND BRANCH(ES) OR DIVISION(S)
(SOUTH 1 MILE FROM PEOTONE-
WILMINGTON RD)
PEOTONE IL 60468
TEL: 312 258-6881

WHOL REPROCESSED
OIL
SIC NO.
50 93

STARTED 1982
PAYMENTS SEE BELOW
SALES \$3,000,000
(PROJ)
WORTH F \$121,864
EMPLOYS 22(14 HERE)
HISTORY CLEAR
CONDITION FAIR

CHIEF EXECUTIVE: ERNEST WINKLE, PRES

PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)

REPORTED	PAYING RECORD	HIGH CREDIT	NOW OWES	PAST DUE	SELLING TERMS	LAST SALE WITHIN
03/89	Ppt	250	250	50	N30	
02/89	Ppt-Slow 30	250	250	100	N30	1 Mo
01/89	Ppt	1000	1000	-0-	N15	1 Mo
	Ppt	500	100	-0-	N10	1 Mo
	Ppt	250				
12/88	Ppt	5000	5000	5000		2-3 Mos
09/88	Ppt	10000	250		5 10 N30	

* Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

* Each experience shown represents a separate account reported by a supplier. Updated trade experiences replace those previously reported.

FINANCE

A CONSULTING SERVICE IS AVAILABLE TO ASSIST YOU IN REVIEWING THIS ACCOUNT FURTHER. PLEASE CALL (800) 223 - 0141 TO SPEAK WITH A DUNS ACCOUNT CONSULTANT.

01/20/89 Interim statement dated SEP 30 1987:

Cash	\$	58,922	Accts Pay	\$	41,231
Accts Rec		127,095	Accruals		17,098
Inventory		64,515			
Prepayments		31,631			
		-----			-----
Curr Assets		282,163	Curr Liabs		58,329
Fixt & Equip		110,235	Notes Payable		214,215
Deposits		2,010	CAPITAL STOCK		10,000
		-----	RETAINED EARNINGS		111,864
		-----			-----
Total Assets		394,408	Total		394,408

From JAN 01 1987 to SEP 30 1987 sales \$1,586,705; cost of goods sold \$1,296,931. Gross profit \$289,774; operating expenses

\$177,910. Net income \$111,864. Monthly rent \$2,000. Lease expires open. Fire insurance on mdse & fixt \$70,000.

Extent of audit, if any, not indicated.

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Notes payable are due on and secured by equipment, and also include notes to affiliate of \$84,425.

On JAN 06 1989 Ernest Winkle, president, referred to the above figures as still representative.

He submitted the following partial estimates dated JAN 06 1989:

Projected annual sales are \$ 3,000,000.

Condition is fair due to moderate debt to equity ratio.

PUBLIC FILINGS

UCC FILINGS

- 01/20/89 Financing Statement #2424548 filed 05-10-88 with Secretary, State of IL. Debtor: Custom Blended Oils, Inc., Peotone, IL. Secured Party: Municipal Trust & Savings Bank, Bourbonnais, IL. Collateral: specified equipment.
- 01/20/89 Financing Statement #2407679 filed 03-31-88 with Secretary, State of IL. Debtor: Custom Blended Oils, Inc., Peotone, IL. Secured Party: CIT Group/Equipment Financing, Park Ridge, IL. Collateral: specified equipment, vehicle(s) and proceeds.
- 01/20/89 Financing Statement #2342524 filed 10-14-87 with Secretary, State of IL. Debtor: Custom Blended Oils Inc, Peotone, IL. Secured Party: CIT Group/Equipment Financing, Park Ridge, IL. Collateral: specified equipment, vehicle(s) and proceeds.

The public record items reported above under "PUBLIC FILINGS" and "UCC FILINGS" may have been paid, terminated, vacated or released prior to the date this report was printed.

BANKING

05/88 Account(s) averages 4 figures. Account open over 3 years. Loans granted to low 6 figures on a secured basis. Now owing low 6 figures. Collateral consists of fixtures and equipment. Matures in 1 to 5 years. Borrowing account is as agreed. Overall relations are satisfactory.

HISTORY

01/20/89

ERNEST WINKLE, PRES

RONALD WINKLE, V PRES

LORAIN WINKLE, SEC-TREAS

DIRECTOR(S): THE OFFICER(S)

Incorporated Illinois Jun 3 1982. Authorized capital consists of 1,000 shares common stock, unstated par value.

Business started 1982 by officers. 100% of capital stock is owned by officers.

ERNEST WINKLE, born 1926 married. 1948-68 employed by M L T Inc., Chicago, IL, as truck driver. He is also an officer in E & L Tank Cleaners Inc.

RONALD WINKLE, born 1950 single. 1970-date active in E & L Tank Cleaners Inc.

LORAIN WINKLE, born 1930 married. 1951-67 a homemaker. 1968-date active in E & L Tank Cleaners Inc.

AFFILIATE: E & L Tank Cleaners Inc., Peotone, IL, started 1968, operates as a waste oil collection service and tank cleaning service. Intercompany relations include merchandise and service transactions on regular terms

OPERATION

01/20/89

Wholesales reprocessed oil.

Sells on net 10 day terms. Has 16 accounts. Sells to industrial concerns. Territory : Midwest.

Nonseasonal.

EMPLOYEES: 22 including officers. 14 employed here.

FACILITIES: Rents 3,750 sq. ft. in 1 story steel building in normal condition. Shares space with affiliate.

LOCATION: Rural section on side street.

BRANCHES: Maintains a storage office in Waukesha, WI and an office in Greenville, MD.

03-21(750 /25)

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FULL DISPLAY COMPLETE

ILD 069 503 944

Custom Blended Oils, Inc. Settlement Conf.

8/9/90

1) Allen T. Wojtas	USEPA Reg V	(312) 886-6194
Heene Winkle	CBO, Inc.	(312) 821-4747
Kimberly Haduch	C.B.O., Inc.	(312) 821-4747
David Haduch	C.B.O., Inc.	312/821-4747
John L. Parker	Att'y.	(312) 263-6560
LAURA LODISIO	U.S. EPA - Region IV	(312) 886-7090
SANDRA R. OTAKA	USEPA Region V ORC	312 886 7657

→ Mrs. Wittle runs company

→

Over → CBO = cargo produced in Ind.

→ source stations and warehouse in

→ loading up cargo into
number of flats. 1000
50% more fuel

→ Bill Petrick, Engr. Council for CBO

5) Mr. Wittle doesn't remember.

11) Now > EPA's CBO's
+ statement

13) Monthly samples taken from inbound
samples } in 1986

→ Now each inbound shipment analyzed

→ daily → check detect 4000 for bunks

leads rejected if not meet spec. for TOX

15 a) Petrich had them in his possession,

b) Notified IEPA assume will not
USEPA

c) CBO never transport #

16) Bill Petrich did

- not on site

was done 6/17/87 analysis

(sludge inconclusive

17-19) Nothing

20) House stock may not be product

→ analysis

10 days - 2 wks before analysis

(S didn't have chlor-detect
at time

22) Notarized letter prepared by Petrich
→ Swindle may not understand what
signed.

23) a

b) Petrich had Inbound/Outbound log

> Draft Consent Agreement

Prep for RCRA
mtg -

7/23 7/31

Allen - I have
another mtg at 11:15
I have to leave at
latest 11 AM.



CHICAGO LINE 312 / 821-4747
PEOTONE LINE 312 / 258-6881
P. O. BOX #41
PEOTONE, IL 60468

Quality Blended Fuel Oils

July 13, 1990

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

RECEIVED
JUL 17 1990

Mr. Karl E. Bremer
Acting Associate Director
Office of RCRA
Waste Management Division
U.S. EPA, Region V
230 S. Dearborn Street
Chicago, IL 60604

ENV p.m.
7/13/90
atw

Re: Answer to Complaint,
Findings of Violation and
Compliance Order
Custom Blended Oils, Inc.
USEPA No. V-W 90 R-21

Dear Mr. Bremer:

We answer the subject Complaint, Findings of Violation and Compliance Order as follows.

We deal with recycled materials that are not solid wastes, and which should not be considered subject to the laws and regulations referred to in the Complaint. We deny jurisdiction as claimed in the Complaint.

We deny that we are responsible for any violations of applicable federal laws or regulations.

Allegations of Violations

1. We deny everything, except admit that Custom Blended Oils, Inc. owns and operates a facility at South Rathje Road, Peotone, Illinois, that markets used oil.

2. We make no response because the statute speaks for itself.

3. We make no response because the regulations speak for themselves.

4. We make no response because the statute and regulations speak for themselves.

5. We make no response because the statute and regulations speak for themselves.

6. We make no response because the regulations speak for themselves.

7. We make no response because the regulations speak for themselves.

8. We admit.

9. We deny everything, except admit that E & L Tank Cleaners, Inc. filed a USEPA Notification, Form 8700-12, dated 1/14/86, which referred to Waste F-030.

10. We deny everything.

11. We deny everything.

12. We deny everything, except admit that a Notice of Violation was issued by USEPA to Custom Blended Oils, Inc. on or about August 30, 1988, which document speaks for itself. We deny any violations.

Mr. Karl E. Bremer
July 13, 1990
Page Three

13. We deny everything, except that we admit we submitted a letter to USEPA dated September 21, 1988, which letter speaks for itself.

14. We are without knowledge about this and therefore cannot admit or deny. We deny any violations.

15. We deny everything, except that we admit that representatives of USEPA conducted an inspection on or about November 18, 1988. We deny any violations.

16. We deny everything, except admit that USEPA issued a NOV dated January 12, 1989, which document speaks for itself. We deny any violations.

17. We deny everything, but admit that a letter dated January 19, 1989, from John L. Parker, was sent to USEPA.

18. We deny everything, but admit that USEPA forwarded a letter dated January 24, 1989 to John L. Parker, which letter speaks for itself.

19. We deny everything, but admit that John L. Parker forwarded a letter dated January 30, 1989 to USEPA, which letter speaks for itself.

20. We deny everything, except admit that Mr. Bill Petrich forwarded a letter to USEPA dated March 17, 1989, which letter speaks for itself. We deny any violations.

21. We deny everything, but admit that USEPA issued an Information Request dated April 21, 1989, which Request speaks for itself.

22. We deny everything, but admit that we submitted to USEPA a response to the April 21, 1989 Request, which response speaks for itself. We deny this paragraph of the Complaint properly characterizes the content of our letter, and we deny any violations.

23. We deny everything.

Mr. Karl E. Bremer
July 13, 1990
Page Four

Compliance Order

We object to the entry of a Compliance Order because we are not in violation of any statute or regulation.

Proposed Civil Penalty

We deny that any civil penalty is justified or authorized.

Notice of Opportunity for Hearing

We request that a hearing be held.

Settlement Conference

We request that an informal conference with USEPA be held at a mutually agreeable time and place. At this time, we could attend such a conference on July 31, 1990 or August 9, 1990.

Please render us judgment dismissing the Complaint, and for the costs of this action.

Very truly yours,

CUSTOM BLENDED OILS, INC.

By Kimberly L. Haduch
Kimberly L. Haduch
Assistant Secretary

cc: Mr. Marc M. Radell
Office of Regional Counsel (5CS-TUB-3)

Mr. Allen Wojtas ✓
RCRA Enforcement Branch (5HR-12)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

5HR-13

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David Sosin
Registered Agent for
Custom Blended Oils, Inc.
5100 W. 127th Street
Alsip, Illinois 60658

Re: Complaint, Findings of Violation
and Compliance Order
Custom Blended Oils, Inc.
U.S. EPA I.D. No.: ILD 069 503 944

Dear Mr. Sosin:

V-W- 90 R- 21

Enclosed please find a Complaint and Compliance Order which specifies this Agency's determination of certain violations by Custom Blended Oils, Inc. of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6901 et seq. This Agency's determination is based on an inspection of the facility located on South Rathje Road, Peotone, Illinois by the United States Environmental Protection Agency, and other information in our files. The Findings in the Complaint state the reasons for such a determination. In essence, the facility failed to meet particular requirements of RCRA relating to marketing of used oil and/or hazardous waste fuel for energy recovery.

Accompanying the Complaint is a Notice of Opportunity for Hearing. Should you desire to contest the Complaint, a written request for a hearing is required to be filed with Ms. Beverly Shorty, Regional Hearing Clerk (5MF-14), United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, within 30 days from receipt of this Complaint. A copy of your request should also be sent to Marc M. Radell, Office of Regional Counsel (5CS-TUB-3) at the same address.

Regardless of whether you choose to request a hearing within the 30-day time limit following service of this Complaint, you are extended an opportunity to request an informal settlement conference.

If you have any questions or desire to request an informal settlement conference, please contact Allen Wojtas, RCRA Enforcement Branch, (5HR-12), United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. His phone number is (312) 886-6194.

Sincerely yours,

Karl E. Bremer
Acting Associate Director, Office of RCRA
Waste Management Division

Enclosure ✓

cc: Ernest Winkle, Custom Blended Oils, Inc. ✓
William Child, IEPA ✓
Gary King, IEPA ✓

bcc: R. Small, OWPE (WH-520) ✓
C. Moraga, OR (5HR-13) ✓
Regional Hearing Clerk (5MF-14) ✓
J. Boyle, IL/IN TES (5HR-12)
M. Radell, ORC (5CS-TUB-3)
S. Swanson, IL/IN/MN EPS (5HR-12)
G. Hamper IL TPS (5HR-13)

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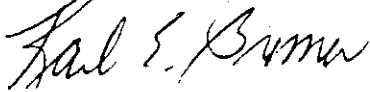
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6/13/90

- 2 -

If you have any questions or desire to request an informal settlement conference, please contact Allen Wojtas, RCRA Enforcement Branch, (5HR-12), United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. His phone number is (312) 886-6194.

Sincerely yours,

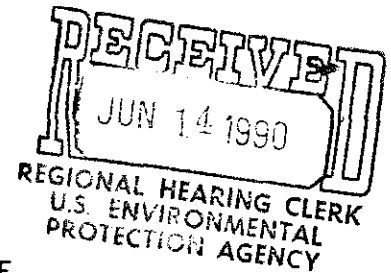


Karl E. Bremer
Acting Associate Director, Office of RCRA
Waste Management Division

Enclosure

cc: Ernest Winkle, Custom Blended Oils, Inc.
William Child, IEPA
Gary King, IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V



IN THE MATTER OF:

CUSTOM BLENDED OILS, INC.
SOUTH RATHJE ROAD
PEOTONE, ILLINOIS 60468
U.S. EPA I.D. No.: ILD 069 5D3 944

) DOCKET NO.

) COMPLAINT, FINDINGS OF
) VIOLATION AND COMPLIANCE ORDER

COMPLAINT

V-W- 90 R- 21

This Complaint is filed pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6928(a)(1), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Associate Director, Office of RCRA, Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is Custom Blended Oils, Inc., South Rathje Road, Peotone, Illinois.

This Complaint is based on information obtained by the U.S. EPA, including a compliance inspection conducted by the U.S. EPA on November 18, 1988. At the time of the inspection, violations of applicable Federal regulations were identified.

Pursuant to 42 U.S.C. §6928(a)(1), and based on the information cited above, it has been determined that Custom Blended Oils, Inc. has violated Subtitle C of RCRA, Sections 3001 through 3006 and 3D14, 42 U.S.C. §§6921 through 6926 and 6935, 4D CFR Part 266, and 35 Illinois Administrative Code Parts 722, 723, and 725.

JURISDICTION

Jurisdiction for this action is conferred upon U.S. EPA by Sections 2002(a)(1), 3006(b), and 3008 of RCRA, 42 U.S.C. §6912(a)(1), §6926(b), and §6928 respectively.

On May 17, 1982, the State of Illinois was granted Phase I Interim Authorization by the Administrator of U.S. EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. §6926(b), to administer a hazardous waste program in lieu of the Federal program. See 47 Fed. Reg. 21,043. On January 30, 1986, the State of Illinois received final authorization. See 51 Fed. Reg. 3778. As a result, generators, transporters and treatment, storage or disposal facilities are regulated under Illinois provisions found at 35 Ill. Adm. Code Parts 720 through 725, rather than the Federal regulations set forth at 40 CFR Part 260 et seq. Final authorization for additional program revisions including 35 Ill. Adm. Code 726 was granted to the State of Illinois on April 30, 1990. See 55 Fed. Reg. 7320. Section 3008(a)(2) of RCRA, 42 U.S.C. §6928(a)(2), provides that U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program. Notice to the State pursuant to this section was given by letter of May 23, 1990.

FINDINGS OF VIOLATIONS

This determination of violation is based on the following:

1. Respondent, Custom Blended Oils, Inc., is a person defined by Section 1004(15) of RCRA, 42 U.S.C. §6903(15), who owns and operates a facility at South Rathje Road, Peotone, Illinois that markets used oil fuel and/or hazardous waste fuel and/or generates, stores, treats and transports hazardous wastes.

2. Section 3010(a) of RCRA, 42 U.S.C. §6930(a), requires any person who generates or transports hazardous waste, or owns or operates a facility for the treatment, storage, or disposal of hazardous waste, to notify U.S. EPA of such activity within 90 days of the promulgation of regulations under Section 3001 of RCRA. Section 3010 of RCRA also provides that no hazardous waste subject to regulations may be transported, treated, stored or disposed of unless the required notification has been given.

3. U.S. EPA first published regulations concerning the generation, transportation, treatment, storage or disposal of hazardous waste on May 19, 1980. These regulations are codified at 40 CFR Parts 260 et seq. Notification to U.S. EPA of hazardous waste activity was required in most instances no later than August 18, 1980.

4. Section 3005(a) of RCRA requires U.S. EPA to publish regulations requiring each person owning or operating a hazardous waste treatment, storage, or disposal facility to obtain a RCRA Permit. Such regulations were published on May 19, 1980, and are codified at 40 CFR Parts 270 and 271 (formerly Parts 122 and 123). The regulations require that persons who treat, store, or dispose of hazardous waste submit Part A of the permit application in most instances no later than November 19, 1980.

5. Section 3005(e) of RCRA provides that an owner or operator of a facility shall be treated as having been issued a permit pending final administrative disposition on the permit application provided that: (1) the facility was in existence on November 19, 1980; (2) the requirements of Section 3010(a) of RCRA concerning notification of hazardous waste activity have been complied with; and (3) an application for a permit has been made. This statutory

authority to operate is known as interim status. U.S. EPA regulations implementing these provisions are found at 40 CFR Part 270.

6. On November 29, 1985, U.S. EPA promulgated new rules applicable to used oil that is burned for energy recovery. These rules are codified at 40 CFR Part 266. The rules establish standards applicable to generators, marketers, and burners of used oil fuel.

7. Marketers and Burners of Hazardous Waste Fuel and Used Oil Fuel were required to notify U.S. EPA regarding their waste-as-fuel activities by January 29, 1986. Even if a marketer had previously notified U.S. EPA of hazardous waste management activities under Section 3010 of RCRA and obtained a U.S. EPA Identification Number, it was required to renotify to identify its used oil management activities as required by 40 CFR 266.34(b) and 40 CFR 266.43(b)(3).

8. The Respondent is an Illinois corporation whose registered agent is Mr. David B. Sosin.

9. On January 14, 1986, Respondent filed a notification of hazardous waste activity as E & L Tank Cleaners, Inc. with U.S. EPA pursuant to Section 3010 of RCRA. In this notification, Respondent identified itself as a treatment/storage/disposal facility which handled F030 waste from non-specific sources. F030 was a waste code for used oil proposed in the Federal Register on November 29, 1980, that never was adopted as final.

10. On February 26, 1986, Respondent was contacted by U.S. EPA by phone regarding clarification of its notification. At that time, Mr. Ernest Winkle, President of E & L Tank Cleaners informed U.S. EPA that E & L Tank Cleaners was a marketer of off-specification used oil fuel. Mr. Winkle also indicated

that approximately 30,000 gallons were purchased each month by E & L Tank Cleaners from collectors, then sold to various industries.

11. On July 26, 1988, representatives of the U.S. EPA conducted a RCRA inspection of the Payne and Dolan facility in Waukesha, Wisconsin. Specifically, they evaluated compliance with those regulations codified at 40 CFR 266 Subparts D and E. Results of the inspection indicated that invoices from Custom Blended Oils, Inc., a marketer of off-specification used oil fuel to Payne and Dolan did not include the shipping and receiving facilities' EPA identification numbers in violation of 40 CFR 266.43(b)(4)(ii) and did not contain the following statement: "This used oil is subject to EPA regulation under 40 CFR Part 266," in violation of 40 CFR 266.43(b)(4)(vi). In addition, during that inspection, U.S. EPA received a waste oil analysis of an incoming oil shipment from Custom Blended Oils, Inc. conducted by Payne and Dolan. Results of this analysis indicated that this shipment was off-specification because of high concentrations of chromium and lead and was presumed to have been mixed with listed halogenated hazardous waste because it contained 1270 ppm total halogens. This presumption is pursuant to 40 CFR 266.40(c).

12. On August 30, 1988, a Notice of Violation (NOV) was issued by U.S. EPA to Custom Blended Oils, Inc. citing the violations listed above, as well as violation of 40 CFR 266.43(b)(3) which requires marketers of used oil fuel to notify the U.S. EPA of their used oil management activities. Within 30 days of receipt of this NOV, Custom Blended Oils, Inc. was required to notify U.S. EPA of their Hazardous Waste Activity (EPA form 8700-12) and revise their invoicing form to comply with the requirement of 40 CFR 266.43(b)(4).

13. On September 21, 1988, Respondent submitted a letter in response to U.S. EPA's August 30, 1988, NOV. In this letter, Respondent contended it had notified under its other name E & L Tank Cleaners, Inc., and that it only marketed on-specification used oil fuel and, therefore, was excluded from the requirements of 40 CFR 266.43(b)(4). Respondent indicated, however, that all future invoices to outbound shipments would contain Custom Blended Oil, Inc.'s EPA identification number and the statement in 40 CFR 266.43(b)(4)(vi).

14. On October 12, 1988, U.S. EPA issued Respondent a second NOV indicating Respondent's September 21, 1988, response was deficient. Specifically, U.S. EPA requested that Respondent submit: (1) a revised EPA form 8700-12 to report the name change to U.S. EPA, (2) photocopies of the analysis of all used oil marketed by Custom Blended Oils, Inc. since July 26, 1987, pursuant to 40 CFR 266.43(b)(6), and (3) an example of a revised invoice indicating a location for the EPA identification number, name, and address of the receiving facility. A formal response to this NOV which was required within 10 days of receipt was never received by U.S. EPA.

15. On November 18, 1988, representatives of the U.S. EPA conducted a RCRA inspection to determine compliance with regulations codified at 40 CFR Part 266 Subparts D and E at the Custom Blended Oils, Inc. facility in Peotone, Illinois. At this time, the following violations were identified:

- a. No records of analysis and no operating log were available to document compliance with 40 CFR 266.43(b)(6).
- b. E & L Tank Cleaners, Inc. had not yet notified U.S. EPA of its name change to Custom Blended Oils, Inc. and identified its used oil management activities pursuant to 40 CFR 266.43(b)(3).

- c. Based on discussions with Ron Winkle, Vice President, Custom Blended Oils, Inc. operated as a transporter of a used corrosive carburetor cleaner which was determined by U.S. EPA to be a listed waste (F002). Custom Blended Oils, Inc. has not notified U.S. EPA of this activity in violation of 40 CFR 263.11. No manifests were available in violation of 40 CFR 263.20.

16. On January 12, 1989, U.S. EPA issued Respondent a third NOV indicating the violations determined during the November 18, 1988, inspection. This NOV also requested analysis of tank bottom sludge to determine if it was a hazardous waste pursuant to 40 CFR 262.11, since no analysis was available at the time of the inspection.

17. By letter dated January 19, 1989, Mr. John L. Parker, Counsel for Custom Blended Oils, Inc. requested an extension of time to respond to U.S. EPA's January 12, 1989, NOV.

18. By letter dated January 24, 1989, U.S. EPA denied the request for extension made by Mr. Parker because this was the third NOV and that the information requested by Mr. Parker had already been sent to him.

19. By letter dated January 30, 1989, Mr. Parker reiterated his claim to need more time for an adequate response to U.S. EPA's NOV dated January 12, 1989.

20. By letter dated March 17, 1989, Mr. Bill Petrich, consultant for Custom Blended Oils, Inc. submitted copies of analyses of incoming used oil and the Custom Blended Oils, Inc. house stock, from July 1986, to December 1988.

Review of these analyses indicated that incoming used oil often contained

concentrations of total halogens in excess of 1000 ppm, thus invoking the presumption that this incoming used oil had been mixed with halogenated hazardous waste pursuant to 40 CFR 266.40(c). Analysis of house stock (blended oil sold as fuel) indicated that this oil was often off-specification due to lead concentrations greater than 100 ppm, and contained total halogens in excess of 1,000 ppm, and as high as 19,000 ppm.

21. On April 21, 1989, U.S. EPA issued Respondent an Information Request pursuant to Section 3007 of RCRA. Information to be provided by Respondent within 30 days included:

- a. Documentation of the determination of whether any solid wastes generated at the facility were hazardous wastes consistent with 40 CFR 262.11;
- b. A listing of each hazardous waste handled at the facility;
- c. Photocopies of all analysis performed on both incoming and outgoing oil;
- d. If the used oil fuel was off-specification, copies of all invoices for the past three years, and a photocopy of the one-time written notices supplied to the Respondent by customers who market and/or burn this used oil fuel; and
- e. If the used oil fuel was on-specification, an operating log pursuant to 40 CFR 266.43(b)(6)(i).

22. By notarized letter dated August 3, 1989, Respondent submitted to U.S. EPA its formal response to the April 21, 1989, Information Request. In its response, Custom Blended Oils, Inc., contended that it did not generate any

hazardous waste, it only collected spent carburetor cleaner (F002) from service stations until enough was inventoried to ship back to the original manufacturer. Custom Blended Oils, Inc. contended the used oil fuel that they market is on-specification, although from time to time it may be off-specification due to exceedance of one or more of the parameters outlined in 40 CFR 266.40(c). Since Custom Blended Oils, Inc. contended they did not market off-specification used oil fuel, they contended the regulations in 40 CFR 266.43(b)(1-5) and (6)(ii) do not apply to them.

23. Due to Respondent's aforesaid documentation that its used oil fuel did not regularly meet the specification, and its inability to successfully rebut EPA's presumption that its incoming oil had been mixed with halogenated hazardous waste, it has violated:

- a. 40 CFR 266.43(b)(4), in that it failed to properly invoice its outgoing shipments of off-specification used oil fuel by not including its own EPA identification number, the receiving facilities' EPA identification numbers, and the statement included in 40 CFR 266.43(b)(4)(vi), between July 1986 and September 1988; and by not including the receiving facilities' EPA identification numbers through December of 1988;
- b. 40 CFR 266.43(b)(6)(i), for not keeping an operating log for its shipments of on-specification used fuel oil, which must include, among other information, a cross-reference to the record of used oil analysis (or other information used in making the determination that the oil meets the specification) required under 40 CFR 266.43 (b)(6)(i);

- c. 40 CFR 266.43(b)(5), in that it failed to obtain a signed notice from each burner or marketer to which it shipped its used oil containing the certifications required by said subsection;
- d. 40 CFR 266.34, including the applicable storage requirements 40 CFR Parts 262, 264 and 265, as referenced in 40 CFR 266.34(c), in that it failed to rebut EPA's presumption of mixing used oil with halogenated hazardous waste, and therefore marketed hazardous waste fuel as used oil fuel;
- e. 35 Ill. Adm. Code (40 CFR 263.11), in that it failed to notify U.S. EPA of its activity as a transporter of listed hazardous waste (F002, spent carburetor cleaner); and
- f. 35 Ill. Adm. Code (40 CFR 262.11), in that it failed to provide a determination as to whether the tank bottom sludge identified in U.S. EPA's November 18, 1988, inspection was a hazardous waste.

COMPLIANCE ORDER

Respondent having been initially determined to be in violation of the above cited rules and regulations, the following Compliance Order pursuant to Section 3008 of RCRA, 42 U.S.C. §6928, is entered:

A. Respondent shall, immediately upon this Order becoming final, achieve and maintain compliance with the standards applicable to marketers of used oil fuel pursuant to 35 Ill. Adm. Code 726.143 (40 CFR 266.43) including (1) analysis of used oil fuel; (2) meeting the prohibitions under 35 Ill. Adm. Code 726.141(a) (40 CFR 266.41(a)); (3) invoice system requirements;

- (4) obtaining the required notices from burners and/or other marketers; and
- (5) keeping an operating log for shipments of on-specification used oil fuel.

B. Respondent shall, immediately upon this Order becoming final, not accept from off-site for storage without a permit any hazardous waste or hazardous waste fuel, for energy recovery. Any marketing of hazardous waste fuel must comply with the requirements of 35 Ill. Adm. Code 726.134 (40 CFR 266.34) including applicable provisions of 35 Ill. Adm. Code 722.134 (40 CFR 262.34), and Subparts A through L of 35 Ill. Adm. Code 724 (40 CFR Part 264), Subparts A through L of 35 Ill. Adm. Code 725 (40 CFR Part 265), 35 Ill. Adm. Code 702 (40 CFR Part 270), which are referenced in 35 Ill. Adm. Code 726.134(c) (40 CFR 266.34(c)). Used oil burned for energy recovery containing more than 1000 ppm of total halogens is presumed to be a hazardous waste listed in 35 Ill. Adm. Code 721, Subpart D (40 CFR 261, Subpart D) and is subject to regulation as a hazardous waste fuel under 35 Ill. Adm. Code 726, Subpart D (40 CFR 266, Subpart D). Respondent may rebut this presumption by demonstrating that the used oil does not contain hazardous waste pursuant to 35 Ill. Adm. Code 726.140 (40 CFR 266.40).

C. Respondent shall, within 15 days of this Order becoming final, cease all transportation of any hazardous waste, or achieve and maintain compliance with the requirements of 35 Ill. Adm. Code Part 723 (40 CFR Part 263), including notification to U.S. EPA and the Illinois Environmental Protection Agency (IEPA) of hazardous waste transportation activities pursuant to 35 Ill. Adm. Code 723.111 (40 CFR 263.11). Respondent shall not store hazardous waste for more than 10 days as a transporter. Pursuant to 35 Ill. Adm. Code 723.112 (40

CFR 263.12), any storage of hazardous waste for greater than 10 days at a transfer facility is subject to the requirements of 35 Ill. Adm. Code Parts 702, 703 and 724 (40 CFR Parts 264 and 270), including the requirements to obtain a permit for such storage.

D. Respondent shall, within 15 days of this Order becoming final, submit to U.S. EPA the analysis supporting a determination of whether the tank bottom sludge is a hazardous waste consistent with 35 Ill. Adm. Code 722.111 (40 CFR 262.11). If it is determined that the sludge is a hazardous waste, it shall be managed in accordance with the standards for generators or treatment, storage or disposal facilities found at 35 Ill. Adm. Code Parts 722 and 724 (40 CFR Parts 262 and 264).

E. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order or any part thereof. This notification shall be submitted no later than the time stipulated above to the Waste Management Division, U.S. EPA, Region V, 23D South Dearborn Street, Chicago, Illinois 60604, Attention: Allen Wojtas, RCRA Enforcement Branch (5HR-12).

A copy of these documents and all correspondence with U.S. EPA regarding this Order shall also be submitted to Mr. Gary King, Illinois Environmental Protection Agency, 220D Churchill Road, Springfield, Illinois 62706.

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at this facility may present an imminent and substantial endangerment to human health or the environment.

PROPOSED CIVIL PENALTY

In view of the above determination and in consideration of the seriousness of the violations cited herein, the potential harm to human health and the environment, the continuing nature of the violations, and the ability of the Respondent to pay penalties, the Complainant proposes to assess a civil penalty in the amount of EIGHTY-FIVE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$85,750) against the Respondent, Custom Blended Oils, Inc., pursuant to Sections 3008(c) and 3008(g) of RCRA, 42 U.S.C. §6928. Attachment 1 to the Complaint provides a detailed summary of the proposed civil penalty. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk (5MF-14), Planning and Management Division, and the Solid Waste and Emergency Response Branch Secretary (5CS-TUB-3), Office of Regional Counsel, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

Failure to comply with any requirements of the Order shall subject the above-named Respondent to liability for a civil penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance with the deadlines contained in this Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

NOTICE OF OPPORTUNITY FOR HEARING

The above-named Respondent has the right to request a hearing to contest any material factual allegation set forth in the Complaint and Compliance Order or the appropriateness of any proposed compliance schedule or penalty.

Unless said Respondent has filed an answer not later than thirty (30) days from the date this Complaint is served, Respondent may be found in default of the above Complaint and Compliance Order.

To avoid a finding of default by the Regional Administrator you must file a written answer to this Complaint with the Regional Hearing Clerk (5MF-14), Planning and Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, within thirty (30) days of receipt of this notice. A copy of your answer and any subsequent documents filed in this action should be sent to Marc M. Radell, Assistant Regional Counsel (5CS-TUB-3), Office of Regional Counsel, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Failure to answer within thirty days of receipt of this Complaint may result in a finding by the Regional Administrator that the entire amount of penalty sought in the Complaint is due and payable and subject to the interest and penalty provisions contained in the Federal Claims Collection Act of 1966, 31 U.S.C. §3701 et seq.

Your answer should clearly and directly admit, deny, or explain each of the factual allegations of which Respondent has knowledge. Said answer should contain (1) a definite statement of the facts which constitute the grounds of defense, and (2) a concise statement of the facts which Respondent intends to place at issue in the hearing. The denial of any material fact, or the raising of any affirmative defense, shall be construed as a request for a hearing.

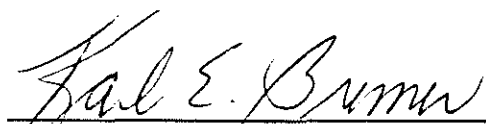
The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22, are applicable to this administrative action. A copy of these Rules is enclosed with this Complaint.

SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, Respondent may confer informally with U.S. EPA concerning: (1) whether the alleged violations in fact occurred as set forth above; (2) the appropriateness of the compliance schedule; and (3) the appropriateness of any proposed penalty in relation to the size of Respondent's business, the gravity of the violations, and the effect of the proposed penalty on Respondent's ability to continue in business. Respondent may request an informal settlement conference at any time by contacting this office. Any such request, however, will not affect either the thirty-day time limit for responding to this Complaint or the thirty-day time limit for requesting a formal hearing on the violations alleged herein.

U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. A request for an informal conference should be made in writing to Allen Wojtas, RCRA Enforcement Branch (5HR-12), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, or by calling him at (312) 886-6194.

Dated this 13th day of June, 1990.



Karl E. Bremer
Acting Associate Director, Office of RCRA
Waste Management Division
Complainant
U.S. Environmental Protection Agency
Region V

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Complaint to be served upon the persons designated below, on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in an envelope addressed to:

Mr. David Sosin
Registered Agent for
Custom Blended Oils, Inc.
5100 W. 127th Street
Alsip, Illinois 60658

I have further caused the original of the Complaint and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Planning and Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, on the date below.

Dated this 14 day of June, 1990.

John Sharp
Secretary, Office of RCRA
U.S. EPA, Region V

MAY 23 1990

5HR-13

William Child, Manager
Division of Land Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Re: RCRA 3008(a)(2) Notice
Custom Blended Oils, Inc.
South Rathje Road
Peotone, Illinois 60468
U.S. EPA I.D. No.: ILD 069 503 944

Dear Mr. Child:

Pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA) as amended, I am providing notice to you that the United States Environmental Protection Agency is preparing to issue an Order under Section 3008(a)(1) to the subject facility for failing to meet particular requirements of RCRA related to marketing of used oil and/or hazardous waste fuel for energy recovery.

If you have any questions on this matter, please contact Allen T. Wojtas of my staff at (312) 886-6194.

Sincerely yours,

Judy A. Kertcher
Acting Associate Director, Office of RCRA
Waste Management Division

cc: Gary King, IEPA

bcc: Joe Boyle, IL/IN TES
AWOUTAS:slowery:01-30-90:Disk 1 Cusblen.ltr:

IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/IN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	OH/IN/MI ENF. PROG. SECTION	RCRA ENF. BR. CHIEF	O.R. A.O.D.	W.D.
					JMB 5/18/90	523-90 5-23-90	

INIT. DATE	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/IN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	OH/IN/MI ENF. PROG. SECTION	RCRA ENF. BR. CHIEF	O.R. A.O.D.	W.D.
								JMB 5/18/90	523-90 5-23-90	

RCRA INSPECTION REPORT

USEPA #: <u>1L D 0 6 9 5 0 3 9 4 4</u>		IEPA #: <u>1 9 7 0 7 5 0 0 0 2</u>	
Facility Name: <u>E AND L TANK CLEANERS INC. (CUSTOMER'S PROPERTY)</u>		Phone #: <u>(708) 821-4747</u>	
Street Address: <u>S. RATHJE ROAD</u>		County: <u>WILL</u>	
City: <u>PEOTONE</u>		State: <u>ILLINOIS</u>	Zip: <u>60468</u>
Region: <u>MAYWOOD</u>	Inspection Date: <u>5/14/90</u>		From: <u>9:30am</u> To: <u>11:15am</u>
Weather: <u>70° RAINING</u>			

TYPE OF FACILITY

Notified As: <u>G, TRANS, USED OIL MARKETER</u>		Regulated As: <u>G3 USED OIL MARKETER</u>	
LDF? (Yes or No)	HPV?	90-Day F/U Required?:	YES <u>✓</u> NO <u> </u>

TYPE OF INSPECTION

CEI: ✓ Sampling: _____ Citizen Complaint: _____ Closed: _____ Other: _____

CME/O&M: _____ Record Review: _____ Follow-Up to Inspection of: _____ Withdrawal: _____

NON-REGULATED STATUS

SQG: ✓ Claimed Nonhandler: _____ Other (Specify in Narrative): _____

PART A N/A

Notification Date: <u>1/24/86</u> , from (initial) or (subsequent) Notification.	
Initial Part A Date: <u> </u> / <u> </u> / <u> </u>	Amended: <u> </u> / <u> </u> / <u> </u>
Part A Withdrawal requested: <u> </u> / <u> </u> / <u> </u>	Approved by (US)(IL) EPA: <u> </u> / <u> </u> / <u> </u>

PART B PERMIT APPLICATION N/A

Part B Permit Submitted: Y or N ____/____/____ Final Permit Issued: ____/____/____

ENFORCEMENT N/A

Has the firm been referred to --	USEPA: Y or N ____/____/____
Illinois Attorney General: Y or N ____/____/____	County State's Attorney: Y or N ____/____/____

ORDERS ISSUED N/A

CACO: ____/____/____	CAFO: ____/____/____	Consent Decree: ____/____/____
Federal Court Order: ____/____/____	State Court Order: ____/____/____	IPCB Order: ____/____/____

TSD FACILITY ACTIVITY SUMMARY[illegible]

OPERATOR (CUSTOM BLENDED OILS)

PERSON(S) INTERVIEWED

PHONE #**INSPECTION PARTICIPANT(S)****PHONE #**

PREPARED BY

AGENCY/TITLE**PHONE #**

SUMMARY OF APPARENT VIOLATIONS

[illegible][illegible]

E AND L TANK CLEANERS

Waste Name (include haz & waste for which no determination has been made)

RECEIVED
- 7 JUN 1991
IEPA/DLPC

* All "NO" responses must be explained in narrative.

NARRATIVE

On May 14, 1990 D. Czech went to Custom Blended Oils, Inc. for the purpose of conducting a state permit inspection and to evaluate the company's compliance with the applicable regulations of 35 Ill. Adm. Code Part 726. I arrived at the site at 9:30 AM and was met by Ronald Winkle, the company's vice-president. The inspection consisted of a review of the records required to be maintained at the facility as well as a visual site inspection of the property. A light rain was falling at the time of the inspection and heavy rains had occurred during the past few days.

Most of the required records were not available for review at the time of the inspection. Mr. Winkle stated that one of the clerical employees had recently quit and that the files were not completely in order for that reason. He also stated that the required sample analyses and analyses of finished product were contained in a "lab book" which was then in the possession of Bill Petrich, the consultant for Custom Blended Oils.

Mr. Winkle stated that used oils are the only wastes received at the facility. He stated that both on-spec and off-spec oils are accepted by the facility but only on-spec oils are shipped off-site to customers as finished product. Mr. Winkle admitted that Custom Blended Oils has no current supplemental waste stream permits and he stated that most of the incoming shipments of oil are received on delivery tickets. He could not produce any valid multi-stop permits, generic permits or supplemental waste stream permits which allow this facility to accept special waste from off-site. The original DAPC Permit #83050029, which was issued on April 19, 1984, was due to expire on March 25, 1989. It is unclear whether or not this permit has been renewed.

The operating log, which the operating permit requires for outgoing shipments of finished product, was incomplete. Likewise, the daily operating record, which the permit requires to track incoming shipments of used oil as it passes through the company's process, was incomplete. The facility's logs merely specify dates, client names, truck numbers and amounts in gallons.

Custom Blended Oils generates two non-hazardous waste streams. One of these is oily wastewater which is shipped off-site by manifest to Interstate Pollution Control of Rockford, Illinois. Shipments are made in 5,000 gallon increments when it is economical to do so. The other waste stream, tank bottoms, is generated periodically when tanks are cleaned out. There was no chemical waste analysis available for either of these two waste streams at the time of the inspection.

The owner/operator of Custom Blended Oils has initiated another company at this site called Custom Cleaning Systems, Inc. This company services parts washers for off-site generators by replacing spent mineral spirits solvent with clean product solvent. This

company has notified the USEPA as a generator/TSD. The state ID number for this company is 1970755008 and the federal ID number is ILD984778266. This company has not applied for a permit to store hazardous waste at this site. Yet, Mr. Winkle admitted that approximately 5,000 gallons of spent mineral spirits is currently on site and that such hazardous waste has been on site since October 1989. Mr. Winkle was informed that this activity constitutes unpermitted storage of hazardous waste.

The following is a list of permit requirements applicable to Custom Blended Oils and the apparent violations associated with them:

Development Permit #1981-28-DE (letter dated 6/10/81)

Special Conditions

1. Item 3: "Special wastes received at the site for recovery shall be transported to the facility utilizing the Agency's supplemental permit system and manifest system."

Apparent violation: Custom Blended Oils is accepting used oil for recovery without manifests or supplemental permits since the company admittedly has no current, valid authorization numbers to accept special waste.

2. Item 10: "A maximum of 10,000 gallons of waste oil may be accepted for recovery per day."

Apparent violation: Custom Blended Oils has accepted as much as 40,000 gallons of waste oil for recovery in a day.

Supplemental Permit #1984-29-SP (letter dated 4/20/84)

Special Conditions

1. Item 4: "There shall be no hazardous waste accepted at this site."

Apparent violation: Custom Cleaning Systems, which is located on the subject property, has accepted spent mineral spirits (D001) from off-site generators for storage.

2. Item 6: "Samples of incoming loads shall be retained at the facility for a period of three months from the date of sampling. Results of the sample analysis for each load shall be retained at the facility for a minimum of three years."

Apparent violation: Results of sample analyses for incoming loads were not available at the time of the inspection, and it was unclear whether samples of incoming loads were being maintained for a minimum of three months.

3. Item 12: "This facility shall be developed in accordance with this Agency's Division of Air Pollution Control Permit Number 83050029, as well as the terms and conditions of this permit."

Apparent violation: The DAPC permit #83050029 was due to expire on March 25, 1989. It was unclear at the time of the inspection whether or not this permit has been renewed.

Operating Permit #1981-28-OP

(letter dated 10/14/86)

Special Conditions

1. Item 5: "The owner and/or operator must analyze and maintain copies of the analyses of all specifications used oil fuels for three years. An operating log must also be maintained which will record the following:
- a. the name and address of the facility receiving the shipment,
 - b. the quantity of used oil fuel delivered,
 - c. the date of shipment or delivery, and
 - d. a cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specifications.

Copies of the above described operating record must be kept at the facility for three years."

Apparent violation: The only available operating log contained entries only from the last few months. In addition, items a (address of receiving facility) and d above were not included in the operating log.

Revision of Operating Permit #1981-28-OP

(letter dated 8/29/88)

1. Item 3: "No listed hazardous wastes shall be accepted at this facility. Only non-hazardous waste oils are permitted for acceptance at this facility for storage, processing and blending into specifications used oil fuels, as defined in 35 IAC Section 726.140(e). The facility must require each generator, shipping waste to the site, to complete the generator certification in Attachment B prior to receiving any waste oil. The certification must become a part of the operating record and should be recertified annually."

Apparent violation: The required generator certifications were not maintained in the operating record at the time of the inspection and there was no indication that recertification was occurring annually.

2. Item 10: "All used oil, processed used oil, specification used oil fuel, and off-specification used oil fuel shipped to marketers, brokers, or other intermediaries (who distribute but do not process or blend used oil fuel) shall be managed as a special waste and transported to these receiving sites using the Agency's special waste stream permit and manifest systems."

Apparent violation: Custom Blended Oils' finished product, which is specification used oil fuel, is shipped on delivery tickets rather than manifests or supplemental waste stream permits.

3. Item 11: "The permittee shall analyze each shipment of blended used oil fuel which he/she claims meets the used oil specifications identified in 35 IAC 726.140(e) prior to shipping it off-site. The permittee shall maintain copies of these analyses at the facility for at least 3 years."

Apparent violation: Copies of analyses of specifications used oil fuel were not available at the time of the inspection.

4. Item 13: "A daily operating record shall be maintained at the site. The operating record must be able to track waste streams as they pass through the facility. At a minimum, it must have the following entries for each shipment of waste received:

- A unique identification number for each shipment received.
- The authorization number for the waste.
- The generator's name.
- The date received.
- The amount received (gallons).
- Cross references to any incoming and outgoing laboratory analyses.
- Indication of, if the shipment was rejected.

The following types of facilities must also record these additional items in their operating records:

1. STORAGE FACILITY

- a. The date a waste is shipped off-site.
- b. The amount (gallons) shipped off-site.
- c. Name, address, ID number of receiving site.
- d. Authorization number (if the receiving site is in Illinois).
- e. Cross reference to the unique incoming identification number.
- f. Monthly totals which show the amount of waste received and the amount of waste shipped off-site.

2. FUEL BLENDING FACILITY

- a. All the items for a storage facility.
- b. The amount and date of each shipment of waste oil, processed oil, or used oil fuel off-site.
- c. Monthly totals for the amounts (gallons) of each type of fuel shipped off-site.
- d. Cross reference to the laboratory analyses for the fuels."

Apparent violation: The operating record does not track waste streams as they pass through the facility. Missing information includes: unique identification number for each shipment, authorization number, and cross references to any incoming and outgoing laboratory analyses. In addition, items 1(c) (address and ID number of receiving site), (d), (e), and (f) were missing from the operating record as well as 2(a), (c), and (d).

The following is a list of apparent RCRA violations which are applicable to Custom Blended Oils, Inc. or to Custom Cleaning Systems, Inc.:

- 703.121(a) - Custom Cleaning Systems is conducting a hazardous waste storage operation without a RCRA permit.
- 703.150(a) - Custom Cleaning Systems has not submitted Part A and Part B of the permit application to the Agency within the specified time frames.
- 722.111 - No waste analyses indicating a hazardous waste determination for Custom Blended Oils' two non-hazardous waste streams.
- 725.212(a) - No closure plan available at time of inspection.
- 725.242(a) - No closure cost estimate available at time of inspection.
- 725.273(a) - Container of spent mineral spirits (D001) stored open.
- 725.273(b) - Same as above.
- 725.274 - Weekly inspections of container storage area are apparently not being conducted.
- 726.143(b)(6)(A) - Custom Blended Oils has not maintained the required operating log and copies of analyses were not available at the time of the inspection.

Other Apparent Violations

809.302(b) - Custom Blended Oils is accepting special waste without the necessary supplemental permits.

DC:bh:5002B

RCRA ENFORCEMENT ACTION SIGN-OFF

PART I. BACKGROUND

FACILITY NAME CUSTOM BLENDED OILS, INC.
 FACILITY LOCATION PEOTONE, ILLINOIS
 RCRA ID NUMBER ILD 069 503 944
 ASSIGNEES REB ALLEN WOJTAS ⁶⁻⁶¹⁹⁴ ORC Marc Radell ⁶⁻⁷⁹⁴⁸
 NATURE OF VIOLATION WASTE-AS-FUEL (266), Section 262, 263
 DATE OF DISCOVERY 11/18/88
 DATE OF REFERRAL _____ (X) NOT APPLICABLE
 ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY:

PART II. RECOMMENDATION PROCEED WITH ISSUANCE OF
3008(a) COMPLIANCE ORDER

PART III. CONCURRENCES ON DRAFT

	INITIALS	DATE	AGREE	DISAGREE
PREPARER	<u>Atw</u>	<u>1/30/90</u>	(✓)	()
CHIEF, RCRA ENF. SECTION	<u>LRT</u>	<u>2/6/90</u>	(✓)	()
CHIEF, RCRA ENF. BRANCH	<u>WEN</u>	<u>2/7/90</u>	(✓)	()
ASSISTANT REGIONAL COUNSEL	<u>Marc Radell</u>	<u>5/4/90</u>	(✓)	()

PART IV. NAME & DATE OF 3008(a)(2) NOTICE LETTER WILLIAM CHILD, IERA
5/23/90 letter to IEPT

PART V. APPROVAL

1. PREPARER	<u>Atw</u>	<u>5/11/90</u>	(✓)	()
2. CHIEF, RCRA ENF. SECTION	<u>LRT</u>	<u>5/11/90</u>	(✓)	()
3. CHIEF, RCRA ENF. BRANCH	<u>WEN</u>	<u>5/1/90</u>	(✓)	()
4. ASSISTANT REGIONAL COUNSEL	<u>Marc Radell</u>	<u>6/5/90</u>	(✓)	()
5. CHIEF, S.W. & E.R. SECTION	<u>RHIG</u>	<u>6/6/90</u>	(✓)	()
6. ASSOC. DIR., OFFICE OF RCRA	<u>K/S</u>	<u>6/13/90</u>	(✓)	()

NOTE: Attach sign-off sheets to yellow copy of the enforcement action.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

5H-12

APR 21 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David B. Sosin
Registered Agent for
Custom Blended Oils, Inc.
5100 W. 127th Street
Alsip, Illinois 60658

RECEIVED
MAY 18 1989

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
OFFICE OF THE DIRECTOR

Re: Section 3007 Information Request
Custom Blended Oils, Inc.
Peotone, Illinois
EPA I.D. No.: ILD 069 503 944

Dear Mr. Sosin:

This is a request for information by the United States Environmental Protection Agency (U.S. EPA) pursuant to its authority under Section 3007 of the Resource Conservation and Recovery Act, as amended (RCRA) 42 U.S.C. §6927. The information requested relates to your company's possible generation, treatment, storage, and/or disposal of hazardous waste or used oil fuel activities, as these terms are defined in 40 CFR Parts 261 and 266, at your facility.

Based on information made available to the Agency, U.S. EPA has reason to believe that you may have generated, treated, stored or disposed of hazardous waste. 42 U.S.C. §6925 requires a facility which treats, stores or disposes of hazardous waste to have either interim status or a permit issued under Section 3005 of RCRA in order to engage in these activities. This information request is necessary to determine the extent of any activities at your facility for which notification and/or either interim status or a permit is required. In addition, U.S. EPA has reason to believe that the facility located at South Rathje Road, Peotone, Illinois is a marketer of off-specification used oil fuel. The information requested is necessary to determine whether violations of the regulations given at 40 CFR Part 266 exist.

The information requested herein must be provided to this office within thirty (30) days of receipt of this letter notwithstanding its possible characterization as confidential information. You may, pursuant to 40 CFR 2.203(a), assert a business confidentiality claim covering all or part of the

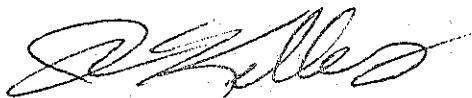
information in the manner described in 40 CFR 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B. Any request for confidentiality must be made when the information is submitted, since any information not so identified may be made available to the public without further notice.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. Any documents submitted to Region V pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge or belief.

Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify Region V. If any answer certified as true should be found to be untrue or misleading, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

If you have any questions regarding this matter, please contact Ms. Sue Rodenbeck, RCRA Enforcement Branch, at (312) 353-6134, or Mr. Jon Faletto, Assistant Regional Counsel, at (312) 886-6831. Your response should be sent to the United States Environmental Protection Agency, Region V, Attention: Sue Rodenbeck, RCRA Enforcement Branch (5HR-12), 230 South Dearborn Street, Chicago, Illinois 60604.

Sincerely,



for Basil G. Constantelos, Director
Waste Management Division

Enclosure

cc: William Child, Manager
Division of Land Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62706

Cliff Gould, IEPA - Maywood w/enc.

Ernest Winkle, President
Custom Blended Oils, Inc. w/enc.

information in the manner described in 40 CFR 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B. Any request for confidentiality must be made when the information is submitted, since any information not so identified may be made available to the public without further notice.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. Any documents submitted to Region V pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge or belief.

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Sincerely,

Basil G. Constantelos, Director
Waste Management Division

Enclosure

cc: William Child, Manager
Division of Land Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62706

Cliff Gould, IEPA - Maywood w/enc.

Ernest Winkle, President
Custom Blended Oils, Inc. w/enc.

bcc: Laura Iodisio
Joe Boyle

ORC	ASST. REGIONAL COUNSEL	S.W.E.R. SECTION CHIEF	S.W.E.R. BR. CHIEF	REGIONAL COUNSEL
INIT. DATE				

5HR-12-S. Rodenbeck #3- 03/06/89 draft cusblen.ir

INIT. DATE	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MN/OH ENF. PROG. SECTION	RCRA ENF. BR. CHIEF	O.R. A.D.D.	WMD DIR
for S.L. 3-30-89		SAR 3-30-89		LLK 4/3/89				WFM 4/5/89	for BGL 4/18/89	

4/3/89 4/11/89 EP 4-17-89 KRE 4/18/89

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

CUSTOM BLENDED OILS, INC.	)	Information Request Pursuant
SOUTH RATHJE ROAD	)	to Section 3007 of the Resource
PEOTONE, ILLINOIS 60468	)	Conservation and Recovery Act,
	)	as amended, 42 U.S.C. §6927
EPA I.D. NO.: ILLD 069 503 944)	

This is a request by the United States Environmental Protection Agency (U.S. EPA) issued pursuant to Section 3007 of the Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. §6927. The issuance of this request serves to require Custom Blended Oils, Inc. to submit information relating to its treatment, storage, and disposal of hazardous wastes. The issuance of this request also serves to require Custom Blended Oils, Inc. to submit information relating to its used oil fuel activities, and is for the purpose of enforcing the provisions of RCRA.

On May 17, 1982, the State of Illinois was granted Phase I Interim Authorization by the Administrator of U.S. EPA pursuant to Section 3006 of RCRA, 42 U.S.C. §6926(b), to administer a hazardous waste program in lieu of the Federal program. See 47 Fed. Reg. 21,043. On January 30, 1986, the State of Illinois received final authorization. See 51 Fed. Reg. 3778. As a result, facilities in Illinois qualifying for interim status are regulated under the Illinois provision found at 35 Ill. Adm. Code Part 720 et seq. rather than the Federal regulations set forth at 40 CFR Part 265. Section 3008 of RCRA, 42 U.S.C. §6928, provides that U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program.

I. INSTRUCTIONS

This request for information pertains to any and all information you may have regarding the treatment, storage, or disposal of hazardous waste at Custom Blended Oils, Inc., South Rathje Road, Peotone, Illinois. It also pertains to used oil activities conducted by Custom Blended Oils, Inc.

If any information called for herein is not available or accessible in the full detail requested, the document shall be deemed to call for the best information available. It also requires the production of all information called for in as detailed a manner as possible based upon such information as is available or accessible.

The information must be provided notwithstanding its possible characterization as confidential information or trade secrets. You are entitled to assert a claim of confidentiality pursuant to 40 CFR 2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as trade secrets. Any information which the Administrator of this Agency determines to constitute methods, processes or other business information entitled to protection as trade secrets will be maintained as confidential pursuant to the procedures set forth in 40 CFR Part 2. A request for confidential treatment must be made when information is provided since any information not so identified will not be accorded this protection by the Agency.

The written statements submitted pursuant to this request must be notarized and returned under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's

knowledge and belief. Should the signatory find at any time after submittal of the requested information that any portion of this submittal certified as true is false or misleading, the signatory should so notify U.S. EPA. If any information submitted under this information request is found to be untrue or misleading, the signatory can be prosecuted under Section 1001 of Title 18 of the United States Code. The U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

The information requested herein must be provided, within thirty (30) days following receipt of this request, to the United States Environmental Protection Agency, Region V, Attention: Sue Rodenbeck (5HR-12), RCRA Enforcement Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

II. DEFINITIONS

1. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters (40 CFR 260.10 and 35 Ill. Adm. Code 720.110).
2. "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them) (40 CFR 260.10 and 35 Ill. Adm. Code 720.110).

3. "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 40 CFR Part 261 and 35 Ill. Adm. Code 721, or whose act first causes a hazardous waste to become subject to regulation (40 CFR 260.10 and 35 Ill. Adm. Code 720.110).
4. "Hazardous waste" means a hazardous waste as defined in 40 CFR 261.3 and 35 Ill. Adm. Code 721.103.
5. "Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere (40 CFR 260.10 and 35 Ill. Adm. Code 721.103).
6. "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume (40 CFR 260.10 and 35 Ill. Adm. Code 720.110).
7. "Used oil" means any oil that has been refined from crude oil, used, and, as a result of such use, is contaminated by physical or chemical impurities (40 CFR 266.40(b) and 35 Ill. Adm. Code 726.140(b)).

8. "Used oil fuel" includes any fuel produced from used oil processing, blending, or other treatment, that is burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 264 or 265, except as provided by 40 CFR 266.40(c) and (e) (40 CFR 266.40(a) and 35 Ill. Adm. Code 726.140(a)).
9. "Marketers" are persons who market used oil fuel. Except as provided below, marketers include generators who market used oil fuel directly to a burner, persons who receive used oil from generators and produce, process, or blend used oil fuel from these used oils (including persons sending blended or processed used oil to brokers or other intermediaries), and persons who distribute but do not process or blend used oil fuel. The following persons are not marketers subject to this subpart:
 - (1) Used oil generators, and collectors who transport used oil received only from generators, unless the generator or collector markets the used oil directly to a person who burns it for energy recovery. However, persons who burn some used oil fuel for purposes of processing or other treatment to produce used oil fuel for marketing are considered to be burning incidentally to processing. Thus, generators and collectors who market to such incidental burners are not marketers subject to 40 CFR 266.43;
 - (2) Persons who market only used oil fuel that meets the

specification under 40 CFR 266.40(e) and who are not the first person to claim the oil meets the specification (i.e., marketers who do not receive used oil from generators or initial transporters and marketers who neither receive nor market off-specification used oil fuel) (40 CFR 266.43(a) and 35 Ill. Adm. Code 726.143(a)).

III. REQUEST FOR ANSWERS TO QUESTIONS AND THE PRODUCTION OF DOCUMENTS

1. Provide documentation of your determination of whether any of the solid wastes at your facility are identified as hazardous as defined in 40 CFR 261.3 and 35 Ill. Adm. Code 721.103. This determination should include, but not be limited to, all solid waste generated from your used oil processing and carburetor cleaner business. The characterization must be made according to methods set forth in 40 CFR 262.11 and 35 Ill. Adm. Code 722.111. Provide copies of all waste analysis results used in making these determinations.
2. Provide a listing of each hazardous waste, as defined in 40 CFR 261.3 and 35 Ill. Adm. Code 721.103, handled at your facility. Refer to the lists of hazardous waste provided in 40 CFR 261, Subpart D (35 Ill. Adm. Code Part 721, Subpart D), as well as all determinations made pursuant to 40 CFR 261, Subpart C (35 Ill. Adm. Code Part 721, Subpart C). This information is requested for the period from November 19, 1980, until the present. A best estimation by calendar month of the quantity of each waste handled should be included.

*Pide
Filtration
Salvage
that is not used*

3. If you determine that you generate or generated hazardous waste since November 19, 1980, provide a detailed description of each process from which each hazardous waste is or was generated.
4. If you determine that you generate or generated hazardous waste since November 19, 1980, provide a detailed explanation of the final treatment, storage or disposal methods for each hazardous waste. Include an explanation of transportation activities if the hazardous waste is or was offered for off-site treatment, storage, or disposal. Include any and all documentation of off-site shipments of hazardous waste.
5. If you determine that you generate or generated hazardous waste since November 19, 1980, provide a detailed explanation of your hazardous waste treatment, storage or disposal practices which occur or have occurred on-site. Include in this explanation a detailed statement of duration of the storage of all hazardous wastes at the facility including documentation of such storage times, and methods of treatment or disposal.
6. Provide a listing of branch offices maintained by Custom Blended Oils, Inc., and describe how the activities of these branch offices relate to the facility on South Rathje Road.
7. Provide photocopies of all analyses performed on incoming oil to determine concentrations of halogenated hazardous waste listed in 40 CFR 261 Subpart D (35 Ill. Adm. Code, Part 721, Subpart D).

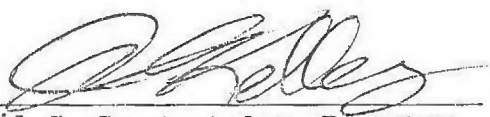
N/O

N/O

8. Provide photocopies of all analyses of used oil fuel performed for the past three (3) years on outbound shipments or samples representative of outbound shipments. *already submitted*
9. State whether Custom Blended Oils, Inc., claims that the used oil-fuel marketed by Custom Blended Oils, Inc., is on-specification or off-specification used oil fuel. See 40 CFR 266.40(e) (35 Ill. Adm. Code 726.140(e)) for definition of "on-specification" and "off-specification".
10. If the used oil fuel marketed is off-specification, provide photocopies of the invoices for all shipments of used oil fuel for the past three (3) years. See 40 CFR 266.43(b)(4) (35 Ill. Adm. Code 726.143(b)(4)) for a description of the invoicing required. *Some*
11. If the used oil fuel marketed is off-specification, provide photocopies of the one-time written and signed notices supplied to Custom Blended Oils, Inc., by customers who burn or market used oil fuel. See 40 CFR 266.43(b)(5) (35 Ill. Adm. Code 726.143(b)(5)) for a description of this notice.
12. If the used oil fuel marketed by Custom Blended Oils, Inc., is on-specification, provide a copy of the operating log. See 40 CFR 266.43(b)(6)(i) (35 Ill. Adm. Code 726.143(b)(6)(i)) for a description of the operating log.
13. Provide the following notarized certification:
I certify under penalty of law that I have personally examined

and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Issued this 18th day of April, 1989.


Basil G. Constantelos, Director
Waste Management Division
United States Environmental Protection Agency
Region V

LARS E. MOLANDER, P.E.

17650 HOMEWOOD AVENUE
HOMEWOOD, ILLINOIS 60430
1-312-799-7294

May 23, 1987

State of Indiana
Department of Environmental Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, IN 46206-6015

Gentlemen:

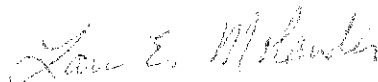
By this letter, I am informing you, that Advance Petroleum of Greenfield, IN has purchased the oil transfer station previously owned, operated and known by C.M.G. Lubricants, INC. at 804 W. Osage St., Greenfield, IN 46140.

It is the intent of Advance Petroleum to use this facility strictly as an oil transfer station.

If in the future, new Indiana regulations require new permits, new manifests, etc., please contact me at my Homewood, IL office or the office manager

Kathy Wood, Office manager
Advance Petroleum
804 W. Osage St.
Greenfield, IN 46140

Sincerely,



Lars E. Molander, P.E.

c.c. Kathy Wood
Ernie Winkle
William Petrich

F A ENFORCEMENT ACTION SIGN-OFF

*Faletto
one assign*

PART I. BACKGROUND

FACILITY NAME Custom Blended Oils, Inc. (formerly E & L Tank Cleaners)
 FACILITY LOCATION South Rathje Road, Peotone, IL
 RCRA ID NUMBER ILD 069 503 944
 ASSIGNEES REB Sue Rodenbeck ³⁻⁶¹³⁴ ORC Jon Faletto **6-6831**
 NATURE OF VIOLATION Additional information is needed to determine whether violations of 40 CFR 266 Subpart D or E exist. Records of analyses were not available at the time of an inspection on 11-18-88.
 ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY:

Custom Blended Oils has not responded to an NOV dated Jan. 12, 1989.

The facility's attorney is not returning telephone calls.

RECEIVED
MAR 15 1989

OFFICE OF REGIONAL COUNSEL
U.S. EPA, REGION IV

PART II. RECOMMENDATION Issue a Section 3007 Information request.

PART III. CONCURRENCES ON DRAFT

RECEIVED
APR 19 1989

OFFICE OF REGIONAL COUNSEL
U.S. EPA, REGION IV

	INITIALS	DATE	AGREE	DISAGREE
PREPARER	SAR	3-6-89	(x)	()
CHIEF, RCRA ENF. SECTION	gss	3/8/89	()	()
CHIEF, RCRA ENF. BRANCH	WEN	3/14/89	()	()
ASSISTANT REGIONAL COUNSEL	<u>Jon Faletto</u>	3/27/89	()	()
NAME & DATE OF STATE CONTACT NOTIFIED	Dean Lee, ILPA - Maywood: 11-10-88, 1-11-89			

PART IV. APPROVAL

1. PREPARER	SAR	3-30-89	(x)	()
2. CHIEF, RCRA ENF. SECTION	XXX	4/3/89	()	()
3. CHIEF, RCRA ENF. BRANCH	WEN	4/5/89	()	()
4. ASSOC. DIR., OFFICE OF RCRA	DAV	4/11/89	()	()
5. ASSISTANT REGIONAL COUNSEL	<u>Jon Faletto</u>	4/13/89	()	()
6. CHIEF, S.W. & E.R. SECTION	OK	4/13/89	()	()
7. CHIEF, SOLID WASTE & EMER. RESPONSE BRANCH			()	()
8. REGIONAL COUNSEL			()	()
9. DIRECTOR, WASTE MGT. DIV.	OK	4/18	()	()

NOTE: Attach sign-off sheets to yellow copy of the enforcement action.

Date: 2-23-89

To: Gary Westefer, 5HR-13
State Programs Section, MB

Through: Laura Lodisio, 5HR-12
Acting Chief, MI/WI TES, REB

From: Sue Rodenbeck, 5HR-12
Environmental Scientist, MI/WI TES, REB

Subject: FOIA (RIN 0186-89)
Requested by John L. Parker *Parker's form for CBO*
Regarding Custom Blended Oils, Inc.

I am providing you with photocopies from Enforcement files in response to Mr. Parker's request. In addition to the photocopies, this memo conveys my informal response to the FOIA. The letters below correspond to the letters in Mr. Parker's request.

a.) All laboratory analysis reports concerning the products of Custom Blended Oils, Inc. have been submitted in response to previous FOIA requests dated December 30, 1988 and January 26, 1989.

b.) The information provided by facility personnel was recorded on the inspection checklist. In addition, Mr. Ron Minkle supplied Ms. Lodisio and Ms. Rodenbeck with a Material Safety Data Sheet (M.S.D.S.) for the Carb Cleaner. A photocopy of this M.S.D.S. is enclosed.

c.) U.S. EPA's record review included scanning the Notification of Hazardous Waste Activities submitted by E & L Tank Cleaners, the Illinois Environmental Protection Agency Operating Permit, and review of U.S. EPA Region V's Waste as Fuel database. Photocopies of these documents are enclosed.

d.) The Checklist is a written record recording visual observations. The U.S. EPA inspectors intended to take photographs, but failed to do so.

e.) See U.S. EPA's response to c.).

f.) As stated in U.S. EPA's response to a.), copies of analyses have already been supplied. Custom Blended Oils, Inc. notified U.S. EPA of off-specification used oil activities. A photocopy of the notification is enclosed.

g.) A number of conversation records have been photocopied. They are listed below. In addition, "Custom Blended Oils, Inc." was added to the Waste as Fuel database. (See c.).)

Date	Type of document	Representative of Custom Blended Oils, Inc.
09-19-88	conversation record	Bill Petrich
09-20-88	conversation record	Bill Petrich
09-21-88	response to NOV	Ernest Winkle
09-27-88	notes to the file	regarding Ernest Winkle correspondence
11-01-88	conversation record	Ernest Winkle & Bill Petrich
11-02-88	conversation record	Ernest Winkle
11-02-88	conversation record	Ernest Winkle
11-02-88	conversation record	Medard Marko
11-07-88	conversation record	Medard Marko
11-18-88	MSDS	Ron Winkle
12-05-88	conversation record	John Parker
12-28-88	conversation record	Paul Zalantis of Omega Chemical Corp.
01-05-89	conversation record	John Parker
01-11-89	conversation record	Dean Lee of IEPA
01-13-89	memo	Mary Murphy of U.S. EPA
02-06-89	conversation record	John Parker
02-16-89	conversation record	Jace of the RCRA Hotline
02-16-89	conversation record	Paul Zalantis of Omega Chemical Corp.

h.) The Checklist documents representations made by Ron Winkle during the November 18, 1988 inspection. The MSDS provided by Ron Winkle indicates that the carb cleaner, when used, is subject to RCRA. Records of conversations with Paul Zalantis of Omega Chemical Corporation are referred to in g.), above.

i.) See U.S. EPA's response to h.). Records of whether the facility accepts hazardous waste were not available on November 18, 1988. Records of analyses for used oil and tank bottoms were not available for review at that time, either.

j.) Refers to k.) through o.).

k.) Photocopies of the notification submitted by Custom Blended Oils, Inc. and an acknowledgement from U.S. EPA are enclosed.

l.) Page 4 of the Checklist records representations made by Ron Winkle regarding Bill Petrich. Conversation records, as listed in g.) above, are supplied.

m.) See U.S. EPA's responses to c.), e.), and f.), above. A photocopy of a Federal Register Notice (vol. 52, no. 70, see esp. p. 11821) addressing the definition of a marketer is enclosed.

n.) The Checklist documents Ron Winkle's representations.

o.) All correspondence other than that presented here, to best of my knowledge, has already been provided to Mr. Parker.

→ Louise L. (Sue R. - there seems to be some merit to his
argument that it took him 3 requests to
get the documents he thinks he needs. I
recommend we give him the 30 days he
requests.

RECEIVED
JAN 31 1989

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

JOHN L. PARKER & ASSOCIATES, LTD.

ATTORNEYS AND COUNSELORS AT LAW
39 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

(312) 263-6560

January 30, 1989

Frank,
Bill
2/1/89

William E. Muno, Chief
RCRA Enforcement Branch (5HR-12)
U.S. Environmental Protection Agency
Region 5
230 South Dearborn Street
Chicago, Illinois 60604

Re: Notice of Violation
Custom Blended Oils
Peotone, Illinois

Dear Mr. Muno:

We have received your letter dated January 24, 1989 which characterizes our January 19, 1989 letter (apparently) to you as "deficient".

The purpose of this letter is to request reconsideration of what appears to be a decision on your part to deny the request in our January 19, 1989 letter to you for an extension of time.

The grounds for this request are as follows:

- A. We first advised your office of our representation of this client by letter to Sally K. Swanson, dated November 30, 1988. We made a request for relevant documents in that letter. On December 5, 1988, we were advised by telephone by Sue Rodenbeck of your office that documents would not be produced in the absence of a Freedom of Information Act request.
- B. Accordingly, on December 7, 1988, we filed a Freedom of Information Act request for all documents in your files pertaining to the subject Notice of Violation.

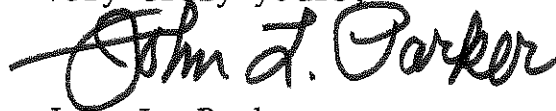
- C. Despite the fact that the requested documents were required to be produced within ten working days, we did not receive your response until December 27, 1988. Then, this response was totally inadequate, since the only documents produced were two conclusory inspection reports (with no underlying documents).
- D. This inadequacy required us to file still another Freedom of Information Act request, dated December 30, 1988.
- E. Once more, we did not receive your response until well after the ten working day period. This time the response included copies of a substantial number of additional documents, all relating to the subject Notice of Violation. These documents were received on January 25, 1989. If these documents had been produced in response to our first request (i.e., in December), at least one month's time could have been saved.
- F. Then, it turned out that even this last group of documents was obviously incomplete, necessitating our filing of still another request for documents (our letter dated January 26, 1989 to Judy Kertcher of your office). We are hopeful that at long last we will now receive the documents that should have been produced over a month ago.

We wish to emphasize that we have been diligently attempting to understand the factual basis for the demands you have made upon our client, in order that we may advise the client in the circumstances. We will positively undertake to forward our response to you within the 30 day period that we requested in our January 19th letter to you.

William E. M o, Chief
January 30, 1989
Page Three

We look forward to hearing from you.

Very truly yours,

A handwritten signature in dark ink, reading "John L. Parker". The signature is fluid and cursive, with the first name "John" being the most prominent.

John L. Parker
Attorney for Custom Blended
Oils

JLP:dsc

Mailed: Certified Mail
No. P 299 528 296
Return Receipt Requested

cc: Ms. Sue Rodenbeck
U.S. EPA
RCRA Enforcement Branch (%HR-12)
230 So. Dearborn Street
Chicago, IL 60604
Mailed: Certified Mail
No. P 813 858 499
Return Receipt Requested

JOHN L. PARKER & ASSOCIATES, LTD.
ATTORNEYS AND COUNSELORS AT LAW
39 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

(312) 263-6560

January 30, 1989

RECEIVED
JAN 31 1989
OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

William E. Muno, Chief
RCRA Enforcement Branch (5HR-12)
U.S. Environmental Protection Agency
Region 5
230 South Dearborn Street
Chicago, Illinois 60604

Re: Notice of Violation
Custom Blended Oils
Peotone, Illinois

Dear Mr. Muno:

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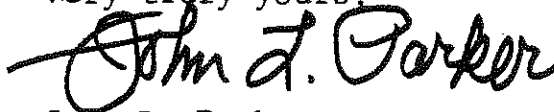
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William E. 1 no, Chief
January 30, 1989
Page Three

We look forward to hearing from you.

Very truly yours,



John L. Parker
Attorney for Custom Blended
Oils

JLP:dsc

Mailed: Certified Mail
No. P 299 528 296
Return Receipt Requested

cc: Ms. Sue Rodenbeck ✓
U.S. EPA
RCRA Enforcement Branch (%HR-12)
230 So. Dearborn Street
Chicago, IL 60604
Mailed: Certified Mail
No. P 813 858 499
Return Receipt Requested

P611 588 655

5HR-12

JAN 24 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John L. Parker
Suite 1420
39 South LaSalle Street
Chicago, Illinois 60603

Dear Mr. Parker:

On January 12, 1989, the United States Environmental Protection Agency (U.S. EPA) mailed Custom Blended Oils, Inc. a Notice of Violation (NOV) which identified violations of 40 CFR Part 266. On January 23, 1989, U.S. EPA received your response on behalf of Custom Blended Oils, Inc. U.S. EPA has reviewed your response and determined that it is deficient.

U.S. EPA has the authority to inspect records maintained by Custom Blended Oils, Inc. Section 3007 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6927 provides this authority. Records of analysis and an operating log were not available for review during the November 18, 1988 inspection of Custom Blended Oils, Inc. It is the responsibility of Custom Blended Oils, Inc. to supply copies of laboratory analyses to U.S. EPA.

Your January 19, 1988, letter contains an informal request for information. Photocopies of all documents relevant to this correspondence have previously been submitted in response to Freedom of Information Act (FOIA) requests dated December 8, 1988 and December 30, 1988. An additional FOIA request would be unproductive.

Finally, all the information requested by U.S. EPA in the NOV's dated August 30, 1988, October 12, 1988, and January 12, 1989 is available from Custom Blended Oils, Inc. as indicated during the November 18, 1988,

inspection. Further delays are not beneficial to your client or to U.S. EPA's resolution of this matter. Failure to respond may result in escalated Federal enforcement actions, including substantial civil penalties. If you have further questions on this matter, please contact Ms. Sue Rodenbeck of my staff at (312) 353-6134.

Sincerely yours,

William E. Muno, Chief
RCRA Enforcement Branch

cc: Ernest Winkle, President
Custom Blended Oils, Inc.

Cliff Gould, IEPA

bcc: Laura Lodisio SRODENBECK:slowery 1-23-89 disk 3

af 1-25-89

INIT. DATE	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROS. SECTION	IN/MN/OH ENF. PROS. SECTION	RCRA ENF. BR. CHIEF	O.R. A.L.D.	WMC DIR
<i>1-24-89</i>	<i>SR</i>	<i>SR</i>		<i>SR</i>				<i>RCR</i>		
	<i>1-24-89</i>	<i>1-24-89</i>		<i>1-24-89</i>				<i>1-25-89</i>		

for W. E. M.

JOHN L. PARKER & ASSOCIATES, LTD.

ATTORNEYS AND COUNSELORS AT LAW
39 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

(312) 263-6560

January 19, 1989

RECEIVED
JAN 20 1989
OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION 7

William E. Muno, Chief
RCRA Enforcement Branch (5HR-12)
United States Environmental Protection Agency
Region 5
230 So. Dearborn Street
Chicago, IL 60604

Re: Notice of Violation
Custom Blended Oils
Peotone, Illinois

Dear Mr. Muno:

We have been retained by Custom Blended Oils, Inc. with respect to your letter to them dated January 12, 1989. We have been asked to study the questions raised by your letter, and to advise our client accordingly.

We expect it will take us a little time to examine the matter in depth, but we do expect to respond to you as promptly as possible.

In the meantime, would you please send us copies of any laboratory analysis reports that you have concerning the products of Custom Blended Oils, Inc. which are the subject of your letter. This will enable us to make any necessary comparisons with relevant regulatory limits before advising our client.

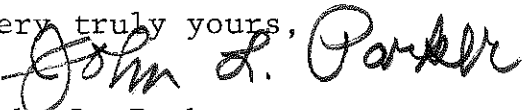
Also, this is an informal request, in the interest of saving time, for a copy of any document in your files which is relevant to your letter. We will also follow the more formalized procedure of presenting an express written Freedom of Information Act request.

William E. M 3, Chief
Page 2
January 19, 1989

Under the circumstances, we request that the ten (10) day period for response set in the last paragraph on page 2 of your letter be extended until thirty (30) days after we receive the documents we have requested. Please advise.

We look forward to hearing from you.

Very truly yours,



John L. Parker
Attorney for Custom Blended Oils, Inc.

JLP:dsc

Mailed: Certified Mail
No. P 299 529 514
Return Receipt Requested

cc: Ms. Sue Rodenbeck
U.S. EPA
RCRA Enforcement Branch (5HR-12)
230 So. Dearborn Street
Chicago, IL 60604
Mailed: Certified Mail
No. P 916 250 704
Return Receipt Requested

Date: 1-13-89

To: Mary Murphy, 5HR-13
State Programs Section, MB

Through: Laura Lodisio, 5HR-12
Acting Chief, MI/VI TES, REB

From: Sue Rodenbeck, 5HR-12
MI/VI Technical Enforcement Section, REB

Subject: FOIA (RIN: 0002-89) - Parker's 2nd FOIA for CBO
Requested by John L. Parker
Regarding Custom Blended Oils, Inc.

I am providing you with photocopies from Enforcement files in response to Mr. Parker's request. In addition to the photocopies, this memo conveys my informal response to the FOIA. The letters below correspond to the letters in Mr. Parker's request.

- a.) On July 26, 1988, Shirlee Brauer and I inspected records at Payne and Dolan's Waukesha office for Payne and Dolan's Portable Plants (EPA ID WID 006 428 981) and storage facility in Kewaunee, Key Terminals, Inc. (EPA ID WID 982 068 801). Mr. Parker already has the checklist for the Portable Plants. Correspondence copied for this FOIA request is listed under 1. below.

I am providing a copy of the checklist for the Kewaunee facility (2. below). Incidentally, Butch Benish provided a copy of an analysis for Plant #12 during the Key Terminals, Inc. inspection.

In addition, I photocopied correspondence between U.S. EPA and Payne and Dolan regarding Payne and Dolan #12 (3. below). On July 26, 1988, Shirlee Brauer and I also inspected this facility and completed a checklist which Mr. Parker already has.

1. September 13, 1988 U.S. EPA NOV for EPA ID WID 006 428 981
• August 20, 1987 U.S. EPA NOV for Payne and Dolan plants
July 16, 1987 U.S. EPA correction to letter of July 13, 1987
July 13, 1987 U.S. EPA NOV for Payne and Dolan plants

2. July 26, 1988 checklist for Key Terminals, Inc.

3. September 8, 1988 U.S. EPA NOV for EPA ID WID 980 283 212
November 8, 1988 response to U.S. EPA NOV dated 9-3-88

- b.) See analytical data supplied with the checklist for Key Terminals, Inc.
Mary, I suggest providing photocopies of the notifications for WID 006 428 981 and WID 980 283 212 as well as a photocopy of 40 CFR 265.40.

- c.) Refer Mr. Parker to the photocopied notifications supplied in response to b.) and provide a photocopy of 40 CFR 260.10 "Industrial furnace" and 40 CFR 266.41.
- d.) Refer Mr. Parker to the notifications supplied in b.) above.
- e.) The checklist is U.S. EPA's record of information obtained during the inspection.
- f.) No photocopies were made of "'records' of notices sent to fuel suppliers" during the inspection.
- g.) No photocopies were made of invoices during the inspection.
- h.) The checklist is U.S. EPA's record of information obtained during the inspection.
- i.) Ms. Brauer typed the checklist form using U.S. EPA's new word processing system, "Word Perfect". The revision related to typographical errors, and the noted date of revision was for Ms. Brauer's reference. An earlier version of the checklist used "Lexitron" word processing equipment. A photocopy of the Lexitron version is attached.
- j.) No photocopies were made of invoices during the inspection of Payne and Dolan's Plant #12.
- k.) The checklist is U.S. EPA's record of information obtained during the inspection.
- l.) No required notices were available for review at Payne and Dolan Plant #12. No photocopies were made of the available notices during the Payne and Dolan Portable Plants inspection.
- m.) Copies of analyses and notifications are supplied in the response to b.).
- n.) Copies of the following correspondence are enclosed:
 - 1. August 30, 1988 Notice of Violation
 - 2. September 21, 1988 response to 8-30-88 NOV
 - 3. October 12, 1988 Notice of Violation
 - 4. December 29, 1988 Routing and Transmittal Slip
 - 5. January 12, 1989 Notice of Violation with enclosure

cc: **CBO Compliance and Enforcement file**
correspondence file

srodenbeck lexdisk 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF *106*

JAN 12 1989

5HR-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ernest Winkle, President
Custom Blended Oils, Inc.
541 Oak Street
Peotone, Illinois 60468

Re: Notice of Violation
Custom Blended Oils, Inc.
EPA ID No: ILD 069 503 944

1970500002-Will
RCRA Permit File

Dear Mr. Winkle:

On November 18, 1988, your facility located at South Rathje Road, Peotone, Illinois was inspected by United States Environmental Protection Agency (U.S. EPA) representatives, Ms. Sue Rodenbeck and Ms. Laura Lodisio. The purpose of the inspection was to evaluate compliance with the requirements of the Resource Conservation and Recovery Act (RCRA). The inspection specifically addressed those regulations codified at 40 CFR Part 266, Subparts D and E.

Based on information provided by facility personnel, record review, and visual inspection of the site on November 18, 1988, it was determined that the facility accepts used oil to be burned for energy recovery. It was also determined that the facility is in violation of the following requirements:

40 CFR 266.43(b)(6) which requires that a marketer who first claims under paragraph (b)(1) of this section that used oil fuel meets the specification must keep copies of analysis (or other information used to make the determination) of used oil for three years. Such marketers must also record in an operating log and keep for three years the following information on each shipment of used oil fuel that meets the specification.

- (A) The name and address of the facility receiving the shipment;
- (B) The quantity of used oil fuel delivered;
- (C) The date of shipment or delivery; and
- (D) A cross-reference to the record of used oil analysis (or other information used to make the determination that the oil meets the specification) required under paragraph (b)(6)(i) of this section.

RECEIVED

JAN 18 1989

IEPA-DLPC

Such used oil is not subject to further regulation, unless it is subsequently mixed with hazardous waste or unless it is mixed with used oil so that it no longer meets the specification.

No records of analysis and no operating log were available to document compliance with the above requirements. During the inspection, the facility representative indicated that analyses are routinely completed on incoming waste streams and that these analyses are used in the evaluation of whether the used oil fuel meets the specification of 40 CFR 266.43(b)(1). These records were not available for review.

U.S. EPA requires that you submit copies of all your records, including all analytical data for used oil and your operating log, to document that the blended used oil fuel meets the specifications of 40 CFR 266.43(b)(1). Please submit all other fuel analyses, including those on incoming shipments, used to make the determination that used oil meets the specification.

Second, 40 CFR 266.43(b)(3) requires notification to U.S. EPA to identify used oil management activities. Since Custom Blended Oils, Inc. received a Notice of Violation dated August 30, 1988, U.S. EPA learned that the facility notified under a different name. On October 12, 1988, U.S. EPA requested that Custom Blended Oils, Inc. submit a revised EPA form 8700-12 with the updated information. This is U.S. EPA's third request for a revised Notification.

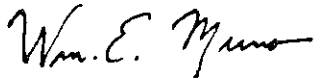
Third, it was indicated during the inspection that the tank bottoms are analyzed to determine whether the tank bottoms are a hazardous waste. As no records of analysis were available at the time of the inspection, please submit to U.S. EPA the following: 1) A statement of whether the analysis is completed prior to mixing with lime or after mixing, and 2) Copies of all analyses.

Fourth, please be advised of the following regarding storage of used, corrosive carburetor cleaner. Based upon information supplied by Omega Chemical Corporation, the used carburetor cleaner is a listed waste, F002. The individual service stations are generators of the waste and are subject to regulations given at 40 CFR Parts 262 and 268. If Custom Blended Oils, Inc. becomes a transfer facility, and notifies U.S. EPA as a transporter, the hazardous waste could be held for up to ten days in the original containers. Standards applicable to transporters of hazardous waste are given at 40 CFR Part 263. If hazardous wastes are stored for greater than ten days, Custom Blended Oils, Inc. would become a storage facility subject to the regulations given at 40 CFR Parts 264, 265, 268, and 270. Storage of hazardous wastes without notification, interim status, and/or a permit is a violation of RCRA.

In summary, a written response must be submitted to this office no later than ten (10) days after receipt of this letter. The information requested above should be submitted to Ms. Sue Rodenbeck, U.S. EPA, RCRA Enforcement Branch (5HR-12), 230 South Dearborn Street, Chicago, Illinois 60604. Failure to reply within the specified time may result in escalated Federal enforcement actions.

If you have questions regarding this matter, please contact Ms. Sue Rodenbeck of my staff at (312) 353-6134.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Wm. E. Muno". The signature is fluid and cursive, with a long horizontal stroke at the end.

William E. Muno, Chief
RCRA Enforcement Branch

Enclosure

cc: Cliff Gould, IEPA w/enc.
Glenn Savage, IEPA
Lawrence Eastep, IEPA w/enc.

If you have questions regarding this matter, please contact Ms. Sue Rodenbeck of my staff at (312) 353-6134.

Sincerely yours,

ORIGINAL SIGNED BY
WILLIAM E. MUNO

William E. Muno, Chief
RCRA Enforcement Branch

Enclosure

cc: Cliff Gould, IEPA w/enc.
Glenn Savage, IEPA
Lawrence Eastep, IEPA w/enc.

bcc: Joe Boyle w/enc.
Laura Lodisio w/enc.
George Hamper

	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MN/OH ENF. PROG. SECTION	RCRA ENF. BR. CHIEF	O.R. A.D.D.	WMD DIR
1-4-89	1-4-89	1-4-89		1-11-89				1-11-89		

ROUTING AND TRANSMITTAL SLIP

Date

January 5, 1989

TO: (Name, office symbol, room number, building, Agency/Post)

Initials

Date

1. Mr. John Parker

2.

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
X As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Enclosed are copies of the October 12, 1988 Notice of Violation sent to Custom Blended Oils, Inc. and a copy of the October 7, 1988 U.S. Court of Appeals for the District of Columbia decision, as you requested.

I was unable to locate a 1983 health advisory on used oil fuel; however, there are many other references available on used oil fuel which include data on health hazards or environmental damage. For example, U.S. EPA's Office of Solid Waste and Emergency Response (OSWER) issued the Waste Oil Interim Enforcement Guidance (OSWER 9951.1) on 10-6-86. This document includes a list of references. Information on specific constituents of hazardous waste is available from a variety of other toxicology references.

Please let me know if I can answer additional questions.
DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Sue A. Rodenbeck
RCRA Enforcement Branch (5HR-12)

Phone No.
353-6134

5041-102

☆U.S. GPO: 1987-181-246/40023

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

ROUTING AND TRANSMITTAL SLIP

Date

December 29, 1988

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Mr. Ernest Winkle/Mr. Ron Winkle		
2 Custom Blended Oils, Inc.		
3 P.O. Box 41		
4 Peotone, Illinois 60468		
5.		

<input checked="" type="checkbox"/> Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	<input checked="" type="checkbox"/> For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Gentlemen: Enclosed are two documents: a U.S. EPA Form 8700-12 (Notification of Hazardous Waste Activity) and a notice from the March 16, 1983 Federal Register. This notice includes a list of low energy hazardous constituents. If these constituents or any listed hazardous wastes are mixed with used oil fuel, the mixture becomes hazardous waste fuel. Hazardous waste fuel is subject to more stringent regulations than on-spec or off-spec used oil fuel.

I have reviewed the Material Safety and Data Sheet provided to U.S. EPA during the November 18, 1988 inspection. Based upon information supplied by Omega Chemical Corporation, the used "Carb Cleaner" is a listed hazardous waste, F002. The used Carb Cleaner is subject to regulations found at 40 CFR Parts 260 through 270.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
Sue A. Rodenbeck, Environmental Scientist	
RCRA Enforcement Branch (5HR-12)	Phone No.
	312/353-6134

JOHN L. PARKER & ASSOCIATES, LTD.
ATTORNEYS AND COUNSELORS AT LAW
39 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

(312) 263-6560

November 30, 1988

RECEIVED
DEC 2 - 1988
OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

Sally K. Swanson, Acting Chief
RCRA Enforcement Branch (5HR-12)
United States Environmental Protection Agency
Region 5
230 So. Dearborn Street
Chicago, IL 60604

Re: Notice of Violation
Custom Blended Oils
Peotone, Illinois

Dear Ms. Swanson:

We have been retained by Custom Blended Oils, Inc. with respect to your letter to them dated August 30, 1988. We have been asked to study the questions raised by your letter, and to advise our client accordingly.

We expect it will take us a little time to examine the matter in depth, but we do expect to respond to you as promptly as possible.

In the meantime, would you please send us copies of any laboratory analysis reports that you have concerning the products of Custom Blended Oils, Inc. which are the subject of your letter. This will enable us to make any necessary comparisons with relevant regulatory limits before advising our client.

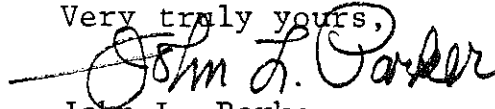
Also, this is an informal request for a copy of any document in your files which is relevant to your letter, which documents would normally be produced by USEPA in response to a Freedom of Information Act Request. If there is any problem in this regard, we will of course follow the more formalized procedure of

Sally K. Swanson, Acting Chief
Page 2
November 3, 1988

presenting an express written Freedom of Information Act request.

We look forward to hearing from you.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John L. Parker". The signature is fluid and cursive, with a horizontal line extending from the left side.

John L. Parker
Attorney for Custom Blended Oils, Inc.

JLP:dsc

Mailed: Certified Mail
No. P 813 858 495
Return Receipt Requested

cc: Ms. Sue Rodenbeck ✓
U.S. EPA
RCRA Enforcement Branch (5HR-12)
230 So. Dearborn Street
Chicago, IL 60604
Mailed: Certified Mail
No. P 299 528 664
Return Receipt Requested

RCRA Checklist for Inspection of Waste Fuel Marketers/Processors:

Name of Facility: Custom Blended Oils

Address: South Rathje Road

Peotone, Illinois

EPA Waste Fuel I.D. Number: E & L Tank Cleaners ILD 069 5D3 944

Facility Inspection Representative: Mr. Ron Winkle

Title: Vice President

Telephone: (312) 821-4747

*Specify NA if questions do not apply.

Site Characterization:	yes	no	comments:
1. Does the facility accept hazardous waste?	<u> </u>	<u> x </u>	<u> </u>
2. Does the facility blend hazardous waste with used oil to be marketed as fuel?	<u> </u>	<u> x </u>	<u> </u>
3. Does the facility accept hazardous waste fuel, i.e., used oil previously blended with hazardous waste?	<u> </u>	<u> x </u>	<u> </u>
4. Does the facility only accept characteristic hazardous waste?	<u> </u>	<u> x </u>	<u>The facility does not accept anything with a flash under 140° F.</u>
<p>Used oil burned for energy recovery that is hazardous solely because it exhibits a characteristic of hazardous waste is subject to regulations under Subpart E rather than Subpart D. Refer to the Used Oil Fuel Marketer Checklist. (§266.300(b)(1))</p>			
5. Does the facility only accept non-hazardous used oil? If so, refer to the Used Oil Fuel Marketer Checklist.	<u> x </u>	<u> </u>	<u>The facility accepts only non-hazardous used oil and virgin #2, #6, & #5 oils.</u>
6. Does the facility generate hazardous waste? If so, refer to generator checklist.	<u> </u>	<u> x </u>	<u>see comments at #12.</u> <u>Also accepts virgin product.</u>
7. Does the facility accept only used oil?	<u> </u>	<u> x </u>	<u> </u>
8. Specify other material recycled as fuel.	<u> </u>	<u> </u>	<u> </u>

9. Check the following general operating practices:

Storage	Treatment	Disposal
<input type="checkbox"/> Drum	<input checked="" type="checkbox"/> Settling	<input type="checkbox"/> Landfill
<input checked="" type="checkbox"/> Above-ground tank(s) (greater than 10%)	<input checked="" type="checkbox"/> Heat addition	<input type="checkbox"/> Land Treatment
<input checked="" type="checkbox"/> Underground tank(s)	<input checked="" type="checkbox"/> In-Line Filtering	<input type="checkbox"/> Surface Impoundment
<input type="checkbox"/> Other	<input checked="" type="checkbox"/> Cerifugation	
<input type="checkbox"/> Tank sizes	<input checked="" type="checkbox"/> Screen Filtration	<input checked="" type="checkbox"/> Other
<u>Ron referred us</u> <u>to CBU's state</u> <u>permit for records.</u> <u>300,000 gallons</u> <u>total capacity.</u>	<input type="checkbox"/> Dehydration	Tank bottoms are mixed with lime, then mixed waste is hauled away as a special waste. Ron says they wait until quite a bit has accum- ulated to analyze it. He doesn't know for which parameters it is analyzed.
	<input checked="" type="checkbox"/> Emulsion Breaking	
	<input checked="" type="checkbox"/> Blending	

Descriptions and

Observations: The secondary containment area for the vertical
raw storage tanks contained an overflowing sump. The walls of the
secondary containment are constructed of cinder block. The tank
bottoms-lime mixture is stored in a waste pile outside secondary containment.

10. Has the facility notified the U.S. EPA of their waste as fuel activities by January 29, 1986? (§266.34(b))
- | | | |
|-------------------------------------|--------------------------|--|
| <u>yes</u> | <u>no</u> | <u>comments:</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Notified as E & L Tank
Cleaners. No notification
from CBO. |

Specify Notification Information:

Notified as a marketer/blender of off-spec fuel. However, Ron stated that CBO
markets only on-spec used oil fuel.

11. Has the facility submitted a Part A for storage of hazardous waste by May 29, 1986? (§266.34(c))
- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Ron claims CBO does not
handle haz. waste fuel. |
|--------------------------|-------------------------------------|--|

Specify Part A information: _____

12. Does the facility accept hazardous waste?
Specify waste and generator type.
(Request manifests for review)

☐ Small Quantity Generators
(☐ <100kg/m or ☐ 100 ☐ <1000 kg/m)
☐ Large Quantity Generators

☒ CBO just started handling a carburetor
cleaner. CBO purchases it from a
manufacturer. CBO has written contracts
with service stations. The stations
take 6 gallons at a time and return it
used to CBO. The cleaner is corrosive.*
Bill Petrich told CBO that they could
store on-site for less than 90 days,
then send it off to be recycled. Only
10 gallons were on-site at the time of
the inspection.
No manifests. *when used

Specify waste types: _____

yes no comments:

13. Does the facility have manifests for all shipments of hazardous waste and blended hazardous waste fuel received and sent? (§265.70) _____ x CBO claims no HWF.
14. Does the facility comply with the prohibitions of §266.31(a)? Review operating records, certifications from burners and invoices. If available obtain a customer list from the facility. _____ x CBO claims no HWF.
15. Does the facility have a copy of the required notice from burners or marketers to whom waste fuel is marketed? (§266.34(e)) _____ x Not available for review. Doesn't apply to on-spec. 40 CFR 266.43(b)(5)
16. Does the facility have invoice information or an operating record for shipments of used oil claimed to be specification used oil fuel? (§266.43(b)(6)) _____ x Records not available for review. CBO is in the process of modifying invoices.
17. Does the facility analyze for metals, halogens and flash point? (§266.43(b)(1)) _____ x No records available for review.

Specify methods: _____

18. Does the facility have the records required under §266.34(f) i.e. copies of certifications from burners and other marketers _____ x _____

Note: If a facility markets hazardous waste fuel, the facility is subject to storage requirements of Parts 262, 264 or 265 and 270, Subparts A through L. Therefore, the RCRA checklist for inspection of TSD Facilities may be useful.

Inspectors' Name: Sue A. Rodenbeck Laura L. Lodisio

Title: Environmental Scientist Environmental Scientist

Agency: U. S. Environmental Protection Agency

Office Location: 230 S. Dearborn Street, Chicago, Illinois 60604

Date of Inspection: November 18, 1988

Comments: All of Custom Blended Oils' analytical work and paper work is completed by Bill Petrich, a private consultant.

E & L Tank Cleaners is the "parent" company and still exists. Ron indicated that it is just a name, used primarily for credit. All oil purchased and sold is under the name Custom Blended Oils. Ron stated that there is not a separate tank cleaning business; Custom Blended Oils clean customers' tanks as a promotion. The tanks are pumped dry, then the walls are squeegeed. The same company previously operated as KC Petroleum Oils. Custom Blended Oils started blending about 7 years ago.

E & L Tank Cleaners notified the State of Illinois of their name change to Custom Blended Oils. (This seems contradictory with Ron's statement that E & L still exists.)

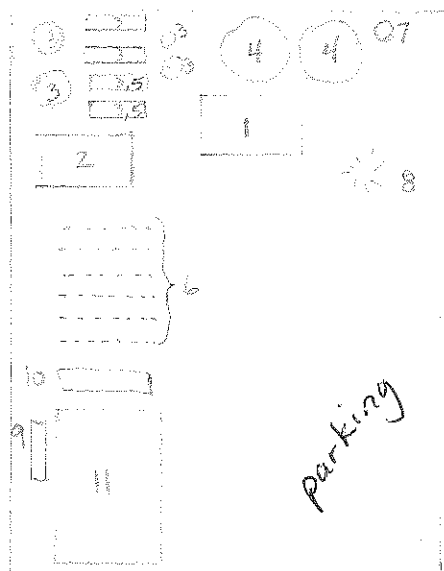
Custom Blended Oils markets used oil fuel to asphalt plants and heavy industries. Used oil is purchased from collectors, and CBO picks up from collectors' tanks. Every truck is bombed every 6" through its depth. The samples are composited for each collector. CBO keeps a retainer from each truck. Each Friday, a composite for each supplier is sent for analysis. A sample from the blended product tank is also analyzed. Analyses are for As, Cd, Cr, Pb, flash, & total halogens.

Ron stated that all analyses were taken to Med Narko a couple of weeks ago.

records of /

Ron indicated that Pb has been the only off-spec constituent prior to blending.

Nothing is manifested in--none of the used oil is manifested. Illinois EPA requires nonhazardous liquids to be manifested. Custom Blended Oils has been trying to get a generic waste stream number from Illinois. None of the suppliers want or are willing to submit a list of stops.



1. load/unload
2. North pump room
3. raw storage tanks
4. finished product
5. process tanks - above ground
6. process tanks - six (6) below ground
7. fuel storage tank
8. waste pile of tank bottoms - lime mixture
9. fuel storage tank for boiler
10. trailer with waste water filter cake press
11. maintenance shop

Not to scale.

Rochester Road

to 57

RCRA Checklist for Inspection of Waste Fuel Marketers/Processors:

Name of Facility: Custom Blended Oils

E & L Tank Cleaners
ILD 069 503 944

Address: South Rathje Road
Peotone, IL

EPA Waste Fuel I.D. Number: _____

Facility Inspection Representative: Ron Winkle

Title: Vice President

Telephone: (312) 821-4747

*Specify NA if questions do not apply.

Site Characterization:	yes	no	comments:
1. Does the facility accept hazardous waste?	_____	<u>X</u>	_____
2. Does the facility blend hazardous waste with used oil to be marketed as fuel?	_____	<u>X</u>	_____
3. Does the facility accept hazardous waste fuel, i.e., used oil previously blended with hazardous waste?	_____	<u>X</u>	_____
4. Does the facility only accept characteristic hazardous waste?	_____	<u>X</u>	<u>accept nothing under flash 140°F</u>
Used oil burned for energy recovery that is hazardous solely because it exhibits a characteristic of hazardous waste is subject to regulations under Subpart E rather than Subpart D. Refer to the Used Oil Fuel Marketer Checklist. (§266.300(b)(1))			
5. Does the facility only accept non-hazardous used oil? If so, refer to the Used Oil Fuel Marketer Checklist.	<u>X</u>	_____	<u>blend w/ used oil and buy virgin #2, #6, #5</u>
6. Does the facility generate hazardous waste? If so, refer to generator checklist.	_____	<u>X</u>	_____
7. Does the facility accept only used oil?	_____	<u>X</u>	<u>accepts virgin product</u>
8. Specify other material recycled as fuel.	_____		

sludge bottoms from tanks mixed w/ lime
have it hauled away ^{as special waste} wait to analyze until quite
a bit accumulated. Doesn't know for which parameters it's
_{analyzed.}

9. Check the following general operating practices:

Storage	Treatment	Disposal
<input type="checkbox"/> Drum	<input checked="" type="checkbox"/> Settling	<input type="checkbox"/> <i>hauled away</i> Landfill
<input checked="" type="checkbox"/> Above-ground tank(s)	<input checked="" type="checkbox"/> Heat addition	<input type="checkbox"/> Land Treatment
<input checked="" type="checkbox"/> <i>partially</i> Underground tank(s) (>10%)	<input checked="" type="checkbox"/> In-Line Filtering	<input type="checkbox"/> Surface Impoundment
<input type="checkbox"/> Other	<input checked="" type="checkbox"/> Cerifugation	<input type="checkbox"/> <i>(diked areas for spill control)</i> Other
<input type="checkbox"/> Tank sizes <i>see state records</i>	<input checked="" type="checkbox"/> Screen Filtration	
<input type="checkbox"/> <i>could guess</i>	<input type="checkbox"/> Dehydration	
<input type="checkbox"/> <i>300,000 gallons</i>	<input checked="" type="checkbox"/> Emulsion Breaking	
<input type="checkbox"/> <i>total capacity</i>	<input checked="" type="checkbox"/> Blending	

Descriptions and
Observations: _____

10. Has the facility notified the U.S. EPA of their waste as fuel activities by January 29, 1986? (§266.34(b))

yes

no

comments:

Notified as E&L Tank Cleaners

Specify Notification Information:

Bill Petrich, environmentalist, handles all analytical, all paperwork

11. Has the facility submitted a Part A for storage of hazardous waste by May 29, 1986? (§266.34(c))

Specify Part A information: _____

blend high lead down with virgin product

12. Does the facility accept hazardous waste? Specify waste and generator type. (Request manifests for review)

☒

☐ Small Quantity Generators

(☐ <100kg/m or ☐ 100 <1000 kg/m)

☐ Large Quantity Generators

*written contracts w/ gas stations
stations take 6 gal. at a time*

Right now 10 gal. used.

just started handling a carburetor cleaner.

Offer a service as parts washer 3 weeks, just got into it. Corrosive. Considered hazardous Emulsion cleaner. bring new cleaner to gas stations Not manifested.

Specify waste types: _____

yes no comments:

13. Does the facility have manifests for all shipments of hazardous waste and blended hazardous waste fuel received and sent? (§265.70) _____ claims no HWF
14. Does the facility comply with the prohibitions of §266.31(a)? Review operating records, certifications from burners and invoices. If available obtain a customer list from the facility. _____ claims no HWF
15. Does the facility have a copy of the required notice from burners or marketers to whom waste fuel is marketed? (§266.34(e)) _____ UOF burner notifications not available for review
16. Does the facility have invoice information or an operating record for shipments of used oil claimed to be specification used oil fuel? (§266.43(b)(6)) _____ In process of modifying invoices.
17. Does the facility analyze for metals, halogens and flash point? (§266.43(b)(1)) _____ claims yes no records of analyses available for review
- Specify methods: _____
18. Does the facility have the records required under §266.34(f) i.e. copies of certifications from burners and other marketers _____ X

Note: If a facility markets hazardous waste fuel, the facility is subject to storage requirements of Parts 262, 264 or 265 and 270, Subparts A through L. Therefore, the RCRA checklist for inspection of TSD Facilities may be useful.

Inspectors's Name: Sue Rodenbeck / Laura Lodisio

Title: Environmental Scientist / Environment Scientist

Agency: U.S. EPA

Office Location: Chicago

Date of Inspection: 11-18-88



PAYNE & DOLAN, INC.

November 8, 1988

RECEIVED
NOV 10 1988
OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

United States Environmental Protection
Agency
Region 5
230 South Dearborn Street
Chicago, Illinois 60604

ATTENTION: Mr. William E. Muno, Chief
RCRA Enforcement Branch

RE: Attention of 5HR-12
Notice of Violation
US EPA ID No:
WID 980 283 212

Dear Mr. Muno:

1. Violation of 40CFR266.44(e)

Until last year when we received our off spec E.P.A. burner number, we did not know of the requirement to keep oil invoices for three years at our plants. The plant foreman was informed last year and told again this year to keep a copy of the fuel invoices. All plants were issued a book in which to record and keep incoming fuel invoices. It was our belief the foreman had been keeping records as required. Obviously he was not, the reason being the supplier was leaving only one copy of their invoice which was being forwarded to the office for payment. Since your staff has pointed out this error in recordkeeping, he is now requesting a second copy of the invoice to be retained for his records. All of the previous years invoices are at the main office and can be sent back to the plant if you would require.

ASPHALT PRODUCERS AND CONTRACTORS SINCE 1930

Post Office Box 781

• N3 W23650 Badlinger Road

• Waukesha, WI 53187

• (414) 544-5231

Post Office Box 351

• 801 Clark Drive

• Gladstone, MI 49837

• (906) 428-1008

— An Equal Opportunity Employer —

U.S. EPA Protection Agency
November 8, 1988
Page two

2. 49CFR226.44(e)

Copies of these certifications of notices are in our main office. A copy of these notices are now also being kept at the plant.

3. 40CFR 266.40 Used oil containing more than 1000 ppm of total halogens

Custom Blended Oils, the supplier of used oil for this plant told us their product met E.P.A. requirements for specification oil. The analysis Ms. Brauer saw was a test we had done to be sure Custom Blended Oil was in E.P.A. compliance. We informed Custom Blended Oil of the test result by telephone and their representative assured us that future loads of oil would be in compliance. Enclosed is a copy of Custom Blended Oils specification sheet for 1988 fuel.

Sincerely,

PAYNE & DOLAN, INC.



Ervin G. Benish,
Vice-President

EGB;aa

p 6 11 588 629

OCT 12 1988

5HR-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

E. L. Winkle, President
Custom Blended Oils, Inc.
541 Oak Street
Peotone, Illinois 60468

Re: Notice of Violation
Custom Blended Oils, Inc.
ILD 069 503 944

Dear Mr. Winkle:

On August 30, 1988, the United States Environmental Protection Agency (U.S. EPA) sent Custom Blended Oils a Notice of Violation (NOV) which identified violations of 40 CFR Part 266. On September 26, 1988, U.S. EPA received your response to that NOV. U.S. EPA has reviewed your response and determined that it is deficient.

First, 40 CFR 266.43(b)(3) requires notification to U.S. EPA to identify used oil management activities. Name changes must also be reported to U.S. EPA in addition to State agencies. Therefore, Custom Blended Oils, Inc., must submit a revised EPA Form 8700-12 with the updated information.

Secondly, U.S. EPA has an analysis on file indicating that Custom Blended Oils, Inc., markets off-specification used oil fuel to burners. However, you stated in your September response that Custom Blended Oils evaluates their "used oil fuel" to assure our clients that the fuels developed from "used oil" are indeed within the specifications outlined in 266.40. Under 40 CFR 266.43(b)(6) a marketer who first claims that used oil fuel meets the specification must keep copies of analysis for three years. Therefore, please submit photocopies of analyses of all used oil marketed by Custom Blended Oils, Inc., since July 26, 1987. The analyses should include values for Arsenic, Cadmium, Chromium, Lead, Flash Point, and Total Halogens.

Finally, the revised invoice submitted does not comply fully with the requirements of 40 CFR 266.43(b)(4). The submitted invoice did not indicate a location for the EPA number, name, and address of the receiving facility.

You must submit a written response to this office no later than ten (10) days after receipt of this letter. The response must include: 1) a copy of the revised notification, 2) copies of used oil analyses from samples taken from July 26, 1987, to the present, and 3) an example of a revised invoice. This information should be submitted to Ms. Sue Rodenbeck, U.S. EPA, RCRA Enforcement Branch, (5HR-12), 230 South Dearborn Street, Chicago, Illinois 60604. Failure to reply within the specified time may result in escalated Federal enforcement actions.

If you have questions regarding this matter, please contact Ms. Sue Rodenbeck of my staff at (312) 353-6134.

Sincerely yours,

ORIGINAL SIGNED BY

WILLIAM E. MUNO

William E. Muno, Chief
RCRA Enforcement Branch

cc: Cliff Gould, IEPA

Glen Savage, IEPA

bcc: Joe Boyle

ap
10-12-88

INIT. DATE	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MN/OH ENF. PROG. SECTION	RCRA ENF. BR. CHIEF	O R A C C
<i>SE</i> <i>10-4</i>		<i>SAR</i> <i>10-4-88</i>		<i>KP</i> <i>10-5-88</i>				<i>WEX</i> <i>10/12/88</i>	

P 611 588 629

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

PS Form 3811, July 1983 447-845

HH

PS Form 3800, Feb. 1982

Sent to	E.L. Winkle	
Street and No.	541 Oak St.	
P.O. State and ZIP Code	Peotone, IL 60468	
Postage	\$	25
Certified Fee		85
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to whom and Date Delivered		90
Return receipt showing to whom, Date, and Address of delivery		
TOTAL Postage and Fees	\$	2.06
Postmark or Date		



S. Rodenbuck, 5412, 230 S. Dearborn, Chicago, IL 60604

PS Form 3811, July 1983 447-845

DOMESTIC RETURN RECEIPT

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

- ☐ Show to whom, date and address of delivery.
- ☐ Restricted Delivery.

3. Article Addressed to: E.L. Winkle
541 Oak Street
Peotone, IL 60468

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	P611 588 629

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
X *Barbara Bonwell*

6. Signature - Agent
X

7. Date of Delivery
10/20/88

8. Addressee's Address (ONLY if requested and fee paid)

S. Rodenbuck, 230 S. Dearborn, Chicago, IL 60604



RECEIVED
SEP 26 1988

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

CHICAGO LINE 312 / 821-4747

PEOTONE LINE 312 / 258-6881

P. O. BOX #41

PEOTONE, IL 60468

Quality Blended Fuel Oils

September 21, 1988

Ms Sue Rodenbeck
US E.P.A., RCRA
Enforcement Branch (5HR-12)
230 South Dearborn Street
Chicago Illinois 60604

RE: Alleged Violation

Ms Rodenbeck,

We are in receipt of your letter dated August 30, 1988, and delivered to us by certified mail, in which it is alleged that Custom Blended Oils Inc. may be in violation of 40 CFR 266.43 (b) (3), which requires that used oil management activities be recorded through notification on 8700-12 form.

Notification was made under our other name, E. & L. Tank Cleaners Inc. A copy of our registration number is enclosed along with a letter requesting a change of name, from E. & L. Tank Cleaners to Custom Blended Oils Inc. that was sent to Mr. Larry Eastep, permit section, Illinois Environmental Protection Agency.

An additional violation is stipulated in the August 30th letter, where in Item No. 2, you allege:
"40 CFR 266.43 (b)(4) which requires a marketer of used oil fuel to use an invoice containing the following information:

- i. His own E.P.A. identification number, and the EPA number of the receiving facility;
- ii. The following statement "This used oil is subject to EPA regulation under 40 CFR Part 266".

Our reading of this section indicates that the statement need only apply to "off-specification" fuel. Your letter of August 30th, 1988, did not reveal any evidence that the oil shipped to the client from Custom Blended Oils Inc. was indeed "off-specification" as described in 266.43 (b)(1) and (6). Custom Blended Oils evaluates their "used oil fuel" to assure our clients that the fuels developed from "used oil" are indeed within the specifications outlined in 266.40

Custom Blended Oils Inc. has ordered a rubber stamp to be used on all out-bound invoiced "used oil fuel" sold to heavy industry, and we have enclosed a copy for your files.

page 2. Response to alleged violations, contd.

We share the agencies concern with fuels that may have been blended from mixtures of petroleum oil, and "hazardous waste". Custom Blended Oils Inc. is not involved with hazardous waste in any form, and our current permit from the state of Illinois, E.P.A. is most specific about our prohibition from receiving, handling, or transporting any hazardous waste materials.

Finally we would like to re-affirm our cooperation with you, and the Environmental Protection Agency, and pledge our assistance in any future matter that may involve our activities.

Encl: Acknowledgement
Notification
Sample Invoice

Respectfully,

A handwritten signature in cursive script, appearing to read "Ernest Winkle".

Ernest Winkle
President
Custom Blended Oils Inc.



ACKNOWLEDGEMENT OF NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER

• TL0009503544

E AND L TANK CLEANERS INC

PO BOX 41

PEOTONE

IL

60468

INSTALLATION ADDRESS

S RATHJF RD

PEOTONE

IL

60468

EPA Form 8700-12A (4-80)

This notification was applied for and issued to Ernest and Lorraine Winkle, who are the owners of Custom Blended Oils Inc. The E. & L. Tank Cleaners name has been changed to Custom Blended Oils Inc. and notification of the change was made to the Illinois E.P.A. on April 20, 1988. The correspondence from Lawrence W. Eastep is attached.



03274

P.O. BOX 41 • PEOTONE, ILL 60468 • PHONES: 821-4747 / 258-6881

Selling "Quality Burner Fuels"

DATE

ORDER NO.

TERMS: NET 10 DAYS

QUANTITY	DESCRIPTION	AMOUNT
	<p data-bbox="483 764 834 869"><u>Sample</u></p> <p data-bbox="274 1205 1325 1306">This used oil is subject to EPA regulation under 40 CFR Part 266. ILD069503944</p>	

Sue Rodenbeck

SEP 08 1988

5HR-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Brad Weston, Foreman
Payne & Dolan Plant #12
2175 S. 8145 Crowbar Road
Big Ben, Wisconsin 53103

Re: Notice of Violation
U.S. EPA ID NO: WID 980 283 212

Dear Mr. Weston:

On July 26, 1988, your facility located at 2175 S. 8145 Crowbar Road was inspected by United States Environmental Protection Agency (U.S. EPA) Representatives, Ms. Shirlee Brauer and Ms. Sue Rodenbeck. The purpose of the inspection was to evaluate compliance with the requirements of the Resource Conservation and Recovery Act (RCRA); specifically, those regulations codified at 40 CFR Part 266, Subparts D and E.

Based on information provided by facility personnel, record review and visual inspections of the site at the time of investigation, it was determined that the facility accepts used oil to be burned for energy recovery. It was also determined that the facility is in violation of the following requirements:

- 1.) 40 CFR 266.44(e), which requires that a burner who receives invoices for used oil fuel, keep copies of each invoice, for three years from the date the invoice is received. The invoices were not available at the site at the time of the inspection.
- 2.) 40 CFR 266.44(e), which requires that a burner keep a copy of each certification notice that he sends to each marketer for three years from the date he last receives off-specification used oil from that marketer. Copies of the certifications were not available at the time of inspection.
- 3.) 40 CFR 266.40, which states that used oil containing more than 1000 ppm of total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste listed in Subpart D of Part 261. Unless you can successfully rebut this

During Shirlee's
& my inspection of
Payne & Dolan #12,

Bud Weston indicated

that all fuel came/comes
from CBO.

This NOV was written by Laura.

presumption, however, the fuel should be managed as a hazardous waste fuel in accordance with the requirements of 40 CFR 266.35. During an inspection at the Payne & Dolan Main Offices in Waukesha, Wisconsin on July 26, 1988, an analysis (copy enclosed) showed that Plant #12 accepted a shipment of used oil containing 1270 ppm of total halogens.

It is required that you submit a response in writing to this office no later than 30 days after receipt of this letter, documenting the actions taken to comply with the above requirements. Failure to reply within the specified time may result in additional Federal enforcement actions.

If you have questions and/or concerns regarding this matter, please contact Ms. Lodisio or Ms. Sue Rodenbeck of my staff at (312) 886-7090 or (312) 353-6134, respectively.

Sincerely yours,

William E. Muno, Chief
RCRA Enforcement Branch

Enclosure

cc: Barbara Zellmer, WDNR
bcc: S. Rodenbeck, REB

Certified mail

P 611 636 826

5HR-12

AUG 30 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

E.L. Winkle, President
Custom Blended Oils
541 Oak Street
Peotone, Illinois 60468

Re: Notice of Violation
Custom Blended Oils
Peotone, Illinois
Non-notifier

Dear Sir/Madam:

On July 26, 1988, the United States Environmental Protection Agency (U.S. EPA) conducted inspections at two Payne and Dolan plants in Wisconsin. The purpose of the inspections were to evaluate compliance with the requirements of the Resource Conservation and Recovery Act (RCRA). Specifically, they evaluated compliance with those regulations codified at 40 CFR 266 Subparts D and E.

Based on review of records provided by Payne and Dolan personnel, it was determined that Payne and Dolan plants in Wisconsin accept used oil to be burned for energy recovery from Custom Blended Oils in Peotone, Illinois. It was also determined that Custom Blended Oils is in violation of the following requirements.

1. 40 CFR 266.43(b)(3) which requires a marketer of used oil fuel to notify the U.S. EPA of his used oil management activities.
2. 40 CFR 266.43(b)(4) which requires a marketer of used oil fuel to use an invoice containing the following information:

- i. His own EPA identification number and the EPA identification number of the receiving facility;
- ii. The following statement "This used oil is subject to EPA regulation under 40 CFR Part 266."

You must submit a written response to this office no later than thirty (30) days after receipt of this letter documenting the actions taken to comply with the above requirements. Submit a completed Notification of Hazardous Waste Activity (EPA form 8700-12) and a revised invoicing form that complies with the requirements of 40 CFR 266.43(b)(4). Correspondence should be addressed to Ms. Sue Rodenbeck, U.S. EPA, RCRA Enforcement Branch (5HR-12), 230 South Dearborn Street, Chicago, Illinois 60604. Failure to reply within the specified time may result in escalated Federal enforcement actions.

If you have questions or concerns regarding this matter, please contact Ms. Rodenbeck of my staff at (312) 353-6134.

Sincerely yours,

Sally K. Swanson, Acting Chief
RCRA Enforcement Branch

Enclosures

cc: Cliff Gould, IEPA w/enclosures

bcc: Joe Boyle
Srodenbeck:slowery:8-22-88

INIT. DATE	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/IN ENF. SEC.
	5/22/88	SAR 8/22/88		28 8-22-88			

PS Form 3811, July 1983 447-845

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

- ☐ Show to whom, date and address of delivery.
- ☐ Restricted Delivery.

3. Article Addressed to: E. L. Winkle
541 Oak St.
Peotone, IL 60468

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD <u>P 611 630 826</u>

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
X Kori Clayton

6. Signature - Agent
X

7. Date of Delivery
9/1/88

8. Addressee's Address (ONLY if requested and fee paid)
no fee

DOMESTIC RETURN RECEIPT

S. Rodenbeck, 8/30

RCRA Checklist for Burners of Used Oil Fuel
and Hazardous Waste Fuel

Name of Facility: Payne & Dolan Plant #12 (stationary asphalt plant)
Address: State Sand & Gravel (2175 S. 8415 Crowbar Rd.)
- - Big Ben, Wi 53103
EPA I.D. Number: WID 980 283 212
Facility Inspection Representative: Bud Weston
Title: Foreman
Telephone: (414) 662-5190

*Specify NA if questions do not apply.

The following questions pertain to facilities regulated under Part 266 who are burning waste fuel for energy recovery. These do not necessarily apply to incineration under Subpart O of part 265.

- | | YES | NO |
|---|----------|----------|
| 1. Does the facility burn used oil fuel?
Specify: <u>X</u> off-specification ____ specification | <u>X</u> | __ |
| 2. Does the facility burn hazardous waste fuel? | __ | <u>X</u> |
| 3. Does the facility's burning unit(s) classify as industrial boiler(s) or industrial furnace(s)?

Burning unit type: <u>Asphalt Dryer</u> | <u>X</u> | __ |
| 4. Has the owner/operator notified EPA of their waste fuel activity? (§266.35(b) or §266.44(b))

Specify Notification Information: <u>Off-Spec burner</u> | <u>X</u> | __ |
| 5. Was the facility existing before May 29, 1986? | <u>X</u> | __ |
| 6. Does the facility have records of the required notices sent to the fuel suppliers (marketers) for hazardous waste fuel or off-specification used oil? (§266.35(d) or §266.44(c)) | __ | <u>X</u> |
| 7. Does the facility have Interim Status or a permit (§3005) for storage of hazardous waste? | __ | <u>X</u> |

Note: Storage requirements under Subparts A through L, Parts 262, 264 or 265 and 270 apply to these facilities as of May 29, 1986. Therefore, refer to the RCRA Checklist for Inspection of TSD Facilities.

- | | YES | NO |
|--|-----|----------|
| 8. Does the facility burn self-generated used oil fuel in a space heater on-site? | — | <u>X</u> |
| 9. Is the space heater less than 0.5 million BTU/hr and vented to the ambient air? | — | NA |
| 10. Does the facility have the required invoices for shipments of off-specification fuel received from off-site? | — | <u>X</u> |
| 11. Do the invoices contain all required information? (Refer to Used Oil Marketer Checklist) | — | <u>X</u> |

Marketer name and address; Custom Blended Oils, Inc.
Peotone, IL

12. Is the used oil stored prior to burning? X —

Comments:

Q. # 6: Payne & Dolan main office in Waukesha has a copy of the required notice which was sent to previous marketers.

Q. # 10: Invoice from Custom Blended Oils, Inc. in Peotone do not have the shipping or receiving facility EPA ID numbers or the required statement. Custom's number is (312) 821-4747.

Q. # 11: All copies of invoices received at this location are sent to Payne & Dolan's main office in Waukesha. No copies were available, except for one not yet sent to the main office.

3 to 4 loads of approx. 6600 gallons of used oil fuel are delivered to this facility over the operating period of 6 1/2 months.

* * *

Inspector: Shirlee Brauer/ Sue Rodenbeck

Title: Environmental Engineer/ Environmental Scientist

Agency: U.S. EPA

Office Location: Chicago, IL.

Date of Inspection: July 26, 1988

* Revised 4-6-88

V. Health Hazard Data

Threshold Limit Value Refer to Section II	OSHA Threshold Limit Value Refer to Section II	ACGIH Threshold Limit Value Refer to Section II
Carcinogen - NTP Program N/A	Carcinogen - IARC Program N/A	
Symptoms of Exposure High vapor concentration are irritating to the eye and respiratory tract and may cause headaches, dizziness or nausea. Extreme concentrations in confined spaces may cause unconsciousness. May cause irritation and/or burns to eyes. Liquid is likely to cause severe burns if untreated. Ingestion may lead to severe pulmonary injury, possible death.		
Medical Conditions Aggravated By Exposure possibly death.		
Alcoholism, acute and chronic liver and kidney disease, chronic lung disease, anemia, coronary disease or rhythm disorders of the heart.		
Primary Route(s) of Entry Skin absorption, inhalation		
Emergency First Aid Wash areas of contact with generous amounts of warm water and mild soap. For eyes: flush thoroughly with water and seek medical attention immediately. If inhaled: remove from exposure and seek medical attention if necessary. If swallowed: Do not induce vomiting. Call a physician immediately.		

VI. Reactivity Data

Stability	<input checked="" type="checkbox"/> Unstable <input type="checkbox"/> Stable	Conditions To Avoid Open sparks and flames
Incompatibility		Materials To Avoid Strong Alkalies and oxidizing materials.
Hazardous	<input type="checkbox"/> May Occur <input checked="" type="checkbox"/> Will Not Occur	Conditions To Avoid N/A
Polymerization		
Hazardous Decomposition Products Hydrogen Chloride, Phosgene (small amounts)		

VII. Environmental Protection Procedures

Spill Response	If outdoors, add sand, earth or other suitable absorbent to spill area. Keep product out of sewers and water courses by diking or impounding. Inside spillage, evacuate area, increase ventilation, avoid breathing vapors, clean up crew to wear protective clothing mop up with absorbent material, transfer to closed container. Report as required by local, state or federal regulations.
Waste Disposal Method	Disposal in accordance with 42USG3251 ET. SEQ. RCRA 1976 and any local, state and Federal regulations. Disposal recommendations apply to the original material and its container; not any material which are a waste by-product of the user's operation.

VIII. Special Protection Information

Eye Protection	Safety goggles and/or face shield Refer to OSHA STD 1910 133(a) and ANS STD Z87.1-1968	Skin Protection Neoprene gloves
Respiratory Protection (Specific Type)	Cartridge type for solvents. Required when concentrations	Ventilation Recommended Mechanical (general) Should be sufficient to reduce the levels below the TLV or PEL of the product or any of its constituents.
Other Protection of hazardous materials are at above the TLV set by AGGIP or OSHA.		

IX. Special Precautions

Hygienic Practices In Handling & Storage Store away from heat and out of direct sunlight. Open carefully to avoid spurting. Use adequate ventilation. Remove and launder contaminated clothing before reuse.	
Precautions For Repair & Maintenance Of Contaminated Equipment This container may be hazardous when emptied. Emptied containers may retain product residue (vapor or liquid). Observe all labeled hazard precautions.	
Other Precautions Avoid breathing vapors, and contact with skin and eyes. No smoking.	



CHICAGO LINE 312 / 821-4747

PEOTONE LINE 312 / 258-6881

P. O. BOX #41

PEOTONE, IL 60468

Quality Blended Fuel Oils

REQUEST FOR INFORMATION RESPONSE: CUSTOM BLENDED OILS INC.

EPA I.D. NO. ILD 069 503 944

The following is a response to the request made by the Waste Management Division, United States Environmental Protection Agency, Region V., Basil G. Constantelos, Director. This request was made on the 18th of April, 1989, and received at Mr. David B. Sosin, Esq. office on April 24, 1989, and then subsequently received by Mr. Ernest Winkle, President of Custom Blended Oils Inc. on the 27th of April, 1989.

The following responses are based upon the questions contained in the request, designated, III. "Request for Answers to Questions and the production of documents". The answers are also based upon clarifications obtained from Ms Sue Rodenbeck, RCRA Enforcement Branch (5HR-12) at an informal meeting held at 230 So. Dearborn, Chicago Illinois on May 11, 1989 from 1:15 p.m. to 2:00 p.m.

1. Custom Blended Oils Inc. does not generate "hazardous waste" as defined in 40 CFR 261.3 and 35 Ill. Adm. Code 721.103. Custom Blended Oils Inc. does not process "carburetor cleaner" but rather distributes a commercial product, manufactured by Omega Chemical, to commercial and industrial facilities requiring such a cleaner.
2. The only "hazardous waste" "handled" at the facility on south Rathje Road in Peotone Illinois as defined in 40 CFR 261.3 and 35 Ill. Adm. Code 721.103, is a small quantity of "used" carburetor cleaner, designated by E.P.A. as F-002: "The following spent halogenated solvents: tetrachlorethylene, methylene chloride, tri-chlorethylene, 1,1,1, trichloroethane, chloro benzene, 1,1,2, trichloro-1,2,2, trifluoroethane, ortho-dichlorobenzene and trichlororfluoromethane, and the still bottoms from the recovery of these solvents."

The "handling" involves the collection from the service stations of their "spent" carburetor cleaner, and the holding of the material, in an isolated secured trailer, until a sufficient amount has been inventoried to ship to the original manufacturer. In each instance, the "carburetor cleaner" is RETAINED IN ITS ORIGINAL CONTAINER, and is not co-mingled one container to another and is always isolated from any of the activities of oil recovery.

page 2. ANSWERS TO QUESTIONS RAISED BY EPA, CONTD.

3. Custom Blended Oils Inc. does not generate hazardous waste.
4. Custom Blended Oils Inc. does not generate hazardous waste.
5. Custom Blended Oils Inc. does not generate hazardous waste.
6. The following facility is owned by Custom Blended Oils Inc. The facility receives "used oil" from service stations in the Indianapolis Indiana area and ships full loads to Peotone Illinois for "processing". "Processing" as outlined in our presentation to the state of Illinois, and the state of Indiana involves the heating, separation, filtration, and recovery of useable petroleum oil from bottom sediment and water. The sediment and water are sent to a licensed facility in Illinois, licensed to accept "special waste water" and the oil is blended for customers needs. The facility in Indiana designated as a "branch" office is located at: 804 W. Osage Street, Greenfield Indiana 46140.
7. Photocopies of all analyses performed on behalf of Custom Blended Oils Inc. reflecting the properties of "in-bound" oil have already been submitted to Ms Sue Rodenbeck.
8. Of the photocopies submitted earlier, those designated "House Stock" either Tank #9 or Tank 10, represent the blended oil analyses that are sold as fuel. The tanks are fifty thousand gallons in capacity, each, and the sampling and analyses were done on top-middle-bottom samples taken, and then mixed prior to submission to a laboratory. A review of those analyses will indicate the compositional make-up of the "out-bound" fuel oil.
9. The used oil fuel marketed by Custom Blended Oils Inc. is on-specification; however from time to time one or more of the parameters outlined in 266.40 (e) may be exceeded. The identification of why some "used oils" may exceed the parameters involves the collection of small amounts (less than 100 kg) of "emulsified cutting oils" from small machine shops normally found on the route of the collecting vehicle that is servicing the gasoline stations. These small amounts of "used oil" include those identified in section 1004, 50 FR 49174, Nov. 29, 1985. Some of these "shops" utilize a "degreasing solvent" for the cleansing of the metal with which they are working, and in most instances that cleaning material will contain a halogenated solvent.

page 3. ANSWERS TO QUESTIONS RAISED BY E.P.A. CONTINUED.

9. Contd.

As indicated in OSWER 9951.1 page 56:

" Used oil exceeding any specification level
is subject to this subpart when burned for
energy recovery a/

Constituent/Property	Allowable Level
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash Point	100 F. minimum
Total Halogen	4000 ppm maximum b/

- a/ The specification does not apply to used oil fuel mixed with a hazardous waste other than small quantity generator hazardous waste.
- b/ Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste under the rebuttal presumption provided under 266.40 (c). Such used oil is subject to Subpart D of this part rather than this subpart when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

Custom Blended Oils Inc. denies mixing "used oil" with "hazardous waste", and further submits those analyses confirm that the "used oils" handled by Custom Blended oils, with exceptions, meets the criteria for "used oil". A "rebuttal" of a "presumption" pre-supposes an acceptance of the presumption, and some "fact" upon which it might be based. As a matter of practical understanding, however, those firms that "generate" used oil that contain some chlorinated or other halogenated residue, are "small quantity generators" and would fall beneath the reporting requirements for the quantities in question.

Fuel oil blended from recovered petroleum used oil is not therefore shipped on a Uniform Hazardous Waste Manifest (EPA Form 8700-22/22A). 260.10, and need not carry a declaration: "This used oil is subject to EPA regulations under 40 CFR part 266." (266.43).

Custom Blended Oils Inc. on the basis provided need not indicate to its customers that they might be burning "off-specification" fuel, and as such must notify the E.P.A. under 261.31 (b). Customers of Custom Blended Oils Inc. are industrial, and purchase the fuel blended by Custom Blended Oils Inc. because it is less expensive. The lower expense is a function of the fact that the blend contains "recovered oil

page 4. **ANSWERS TO QUESTIONS RAISED BY EPA, CONTINUED.**


9 CONTD.

and is not a blended or refined "virgin" product. A firm that uses oil based upon "used oil" pays a lower price for their energy.

10. Attached are copies of invoices to customers for the past three years.
11. The fuel oil being sold is not "off-specification" fuel and therefore no notices under 266.43 (b)(5), have been sent to customers of Custom Blended Oils Inc, however, each "used oil fuel" user has been made aware of the activities of Custom Blended Oils Inc. and knows that the fuel oil being burned contains "used oil".
12. In accordance with 266.43(b)(6)(1), copies of the invoices submitted in 11 above answer the Section (A), Section (B), and Section (C) of the question. Section (D) goes to the analyses which have already been submitted, however, we are enclosing copies of the work sheets.
13. Certification is attached.

C E R T I F I C A T I O N

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.


Ernest Winkle

President
Custom Blended Oils Inc.



Notary Public

Aug. 03, 1989



CHICAGO LINE 312 / 821-4747

PEOTONE LINE 312 / 258-6881

P. O. BOX #41

PEOTONE, IL 60468

Quality Blended Fuel Oils

Gentleman:

Because of regulations established by USEPA, a certification from you, our customer, is required to be on our file. This certification must contain the following information:

- 1) That you have notified USEPA of your location and a General Description of your used oil management activity.
- 2) That you will burn the used oil fuel only in an industrial furnace or boiler.

Your prompt response to this matter will be greatly appreciated, and we thank you sincerely for your business.

Very truly yours,

Mr. Ernest L. Winkle

CUSTOM BLENDED OILS, INC. SEPT. 1990

DATE	COMPANY	ADDRESS	QUANTITY C/R #	GROSS	TARE	NET
9/7/90	REITH RILEY CONST. CO.	25200 STATE RD. # 23	6500			
		SOUTH BEND, IN. 46614				
9/4/90	R.A. CULLINAN & SON	ROCKY FORD				
		LINCOLN, IL	6500			
9/7/90	SENECA PETROLEUM	361 W. U.S. HWY. 6				
		VALPARAISO, IND.	6052			
9/7/90	REITH RILEY CONST.	RT. 1 BOX 1				
		BUNKER HILL, IND.	6500			
9/17/90	OCEAN PETROLEUM	P.O. BOX 200				
		SUMMIT IL	5500			
9/20/90	U.S.X. CORP./AMERICAN	1 N. BROADWAY		75020	30060	44960
	ENERGY PRODUCTS TRACTOR 86	GARY, IN.				
9/20/90	U.S.X. CORP./AMERICAN	1 N. BROADWAY		75057	31400	
	ENERGY PRODUCTS TRACTOR 89	GARY, IN.				
9/21/90	U.S.X. CORP./AMERICAN ENERGY	1 N. BROADWAY				
		GARY, IN.				